

INTERNATIONAL MARITIME SECURITY

JOINT HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL SECURITY,
EMERGING THREATS, AND INTERNATIONAL
RELATIONS

AND THE

SUBCOMMITTEE ON CRIMINAL JUSTICE,
DRUG POLICY, AND HUMAN RESOURCES

OF THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

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INTERNATIONAL MARITIME SECURITY

TUESDAY, DECEMBER 13, 2005,

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON NATIONAL SECURITY, EMERGING
THREATS, AND INTERNATIONAL RELATIONS, JOINT WITH
THE SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POL-
ICY, AND HUMAN RESOURCES, COMMITTEE ON GOVERN-
MENT REFORM,

Washington, DC.

The subcommittees met, pursuant to notice, at 2:09 p.m., in room 2154, Rayburn House Office Building, Hon. Christopher Shays (chairman of the Subcommittee on National Security, Emerging Threats, and International Relations) presiding.

Present from the Subcommittee on National Security, Emerging Threats, and International Relations: Representatives Shays, Duncan, Maloney, and Ruppersberger.

Present from the Subcommittee on Criminal Justice, Drug Policy, and Human Resources: Representatives Souder and Cummings.

Also present: Representative Norton.

Staff present: Lawrence Halloran, staff director and counsel; R. Nicholas Palarino, Ph.D., senior policy advisor; Robert A. Briggs, clerk; Marc LaRoche, intern; Tony Haywood, minority counsel; Andrew Su, minority professional staff member; and Jean Gosa, minority assistant clerk.

Mr. SHAYS. A quorum being present, this joint hearing of the Subcommittee on National Security, Emerging Threats, and International Relations and the Subcommittee on Criminal Justice, Drug Policy, and Human Resources entitled, "International Maritime Security" is called to order.

Just 2 days ago, Coast Guard officials began conducting search operations in the waters north of the Bahamas because a cruise ship passenger was reported missing. In early November, modern-day brigands fired mortars at a cruise ship off the coast of Somalia. These are two recent additions to a growing manifest of unexplained disappearances, unsolved crimes, and brazen acts of lawlessness on the high seas. According to the industry experts, a wide range of criminal activities, including drug smuggling, sexual assaults, piracy, and terrorism, threaten the security of maritime travel and trade. Today we begin an examination of the complex web of laws, treaties, regulations, and commercial practices meant to protect lives and property in an increasingly dangerous world.

Ocean travel puts passengers and crew in a distant, isolated environment and subjects them to unique risks and vulnerabilities. Like small cities, cruise ships experience crimes, from petty to pro-

foundly tragic. But city dwellers know the risks of urban life, and no one falls off a city never to be heard from again. Cruise passengers can be blinded to the very real perils of the sea by ship operators unwilling to interrupt the party for security warnings. After an incident occurs, a thorough investigation can be profoundly difficult when the crime scene literally floats away, on schedule, to the next port of call.

Jurisdictional and bureaucratic tangles can also impede investigation and resolution of crimes at sea. For purely economic reasons, most commercial ships fly under foreign flags. Passengers cannot assume the protection of U.S. laws and law enforcement will be available in time, if at all. When events involve citizens of different nations in the territorial waters of a third, all three can assert some jurisdictional claim. While these legal and diplomatic niceties are being resolved, the crime trail grows cold and crucial evidence may go overboard or melt into the crowd ashore.

The recently promulgated National Strategy for Maritime Security and the Global Maritime Response Plan should better integrate and accelerate Federal agency assistance to those attacked at sea. We will monitor implementation of these new policies closely.

Lack of hard data on maritime crime rates and trends engenders a false sense of security and frustrates efforts to address emerging problems. Some companies report incidents voluntarily to the Federal Bureau of Investigation or international organizations. But others do not, and no truly industry-wide data is available to help discerning customers assess the real risks of transoceanic travel.

So we asked those most involved in responding to maritime crises to describe current legal and operational security standards. For instance, what statistics are kept and who keeps them? What information is given to passengers on the risks of international travel by sea? How are missing person reports investigated? How and when is it determined if a crime is involved? How are jurisdictional conflicts resolved? Are there better practices and technologies that should be used to protect passengers in the alluring but unforgiving marine environment?

Last July, George Smith and his new wife, Jennifer, thought they were launching their lives together on a honeymoon cruise. But after only 10 days abroad George disappeared under circumstances still being investigated by the FBI and Turkish officials. His family, and many others who have contacted us, seek closure, await justice, and ask that no more families endure avoidable tragedies.

We hear their call for safer seas, are determined, are absolutely determined to pursue this investigation, and we look for much greater candor, accountability, and responsiveness from those entrusted to carry precious cargo into a vast, inherently hazardous realm.

[The prepared statement of Hon. Christopher Shays follows:]

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Statement of Rep. Christopher Shays December 13, 2005

Just two days ago, Coast Guard officials began conducting search operations in the waters north of the Bahamas because a cruise ship passenger was reported missing. In early November, modern day brigands fired mortars at a cruise ship off the coast of Somalia. These are two recent additions to a growing manifest of unexplained disappearances, unsolved crimes and brazen acts of lawlessness on the high seas. According to industry experts, a wide range of criminal activities, including drug smuggling, sexual assaults, piracy and terrorism, threaten the security of maritime travel and trade. Today we begin an examination of the complex web of laws, treaties, regulations and commercial practices meant to protect lives and property in an increasingly dangerous world.

Ocean travel puts passengers and crew in a distant, isolated environment and subjects them to unique risks and vulnerabilities. Like small cities, cruise ships experience crimes – from petty to profoundly tragic. But city dwellers know the risks of urban life, and no one falls off a city never to be heard from again. Cruise passengers can be blinded to the very real perils of the sea by ship operators unwilling to interrupt the party for security warnings. And after an incident occurs, a thorough investigation can be difficult when the crime scene literally floats away, on schedule, to its next port of call.

Jurisdictional and bureaucratic tangles can also impede investigation and resolution of crimes at sea. For purely economic reasons, most commercial ships fly under foreign flags. Passengers cannot assume the protection of U.S. laws and law enforcement will be available in time, if at all. When events involve citizens of different nations, in the territorial waters of a third, all three can assert some jurisdictional claim. While these legal and diplomatic niceties are being resolved, the crime trail grows cold and crucial evidence may go overboard or melt into the crowd ashore.

The recently promulgated National Strategy for Maritime Security and the Global Maritime Response Plan should better integrate and accelerate federal agency assistance to those attacked at sea. We will monitor implementation of those new policies closely.

Lack of hard data on maritime crime rates and trends engenders a false sense of security and frustrates efforts to address emerging problems. Some companies report incidents voluntarily to the Federal Bureau of Investigation or international organizations. But others do not, and no truly industry-wide data is available to help discerning customers assess the real risks of transoceanic travel.

So we asked those most involved in responding to maritime crises to describe current legal and operational security standards. What statistics are kept and who keeps them? What information is given to passengers on the risks of international travel by sea? How are missing person reports investigated? How and when is it determined if a crime is involved? How are jurisdictional conflicts resolved? Are there best-practices and technologies that should be used to protect passengers in the alluring but unforgiving marine environment?

Last July, George Smith and his new wife Jennifer thought they were launching their lives together on a honeymoon cruise. But after only ten days aboard he disappeared under circumstances still being investigated by the FBI and Turkish officials. His family, and many others who have contacted us, seek closure, await justice and ask that no more families endure avoidable tragedies.

We hear their call for safer seas, are determined to pursue this investigation and we look for greater candor, accountability and responsiveness from those entrusted to carry precious cargo into a vast, inherently hazardous realm.

Mr. SHAYS. At this time the Chair would recognize Mrs. Maloney, the Honorable Member from New York.

Mrs. MALONEY. I thank the chairman. Elijah Cummings, the ranking member, is on the floor at this point. He will be back shortly.

I add my voice in thanking you, Chairman Shays, for holding this hearing today about international maritime security and the safety of cruise ship passengers, particularly American passengers. Millions of people take trips on cruise ships every year, and these Americans expect to have an enjoyable vacation, yet they also may unknowingly face dangers, including drug trafficking, smuggling, international piracy, and even terrorist attacks.

We have seen media reports this year of passengers who have disappeared while aboard cruise ships and allegations that these ships did not make an effort to inform their families. I want to say that there are roughly 300 large cruise ships that operate mostly under foreign flags, but many of them embark from New York City, the port that I am honored to represent. They are important employers, important to the economy. But it is also very important that our citizens be protected on these ships.

I am astonished at the number of alleged international piracy acts and even some terrorist attacks on cruise ships. And I am also deeply concerned that there appears not to be any statistics or hard data kept in an organized way on the safety of certain ships on the incidents that happen and really suggest that we include a cruise ship violence or deaths or missing persons in the FBI CODIS international and national data base that they now keep on other crimes in our country.

Due to the fact that we have such a distinguished set of speakers and many panelists, I request to have the text of my statement put in the record, and I am very hopeful that today's hearing will shed important light on some of these issues and will fundamentally lead to increased safety and protection for Americans and others who enjoy these cruise ship vacations.

Thank you.

[The prepared statement of Hon. Carolyn B. Maloney follows:]

Statement of Representative Carolyn B. Maloney (NY-14)
Joint Subcommittee Hearing - National Security & Criminal Justice
Committee on Government Reform
“International Maritime Security”
2154 Rayburn HOB - 2:00 p.m.
December 13, 2005

I would like to thank Chairman Shays and Chairman Souder for holding this joint hearing today about international maritime security and the safety of cruise ship passengers.

Millions of people take trips on cruise ships every year. These passengers expect to have a leisurely and enjoyable vacation.

Yet they also may face dangers including drug smugglers, international piracy, and terrorist attacks.

Additionally, we have seen media reports this year of passengers who have disappeared while aboard cruise ships.

I am hopeful that today's hearing will shed some light on these issues.

Thank you.

Mr. SHAYS. I thank the gentlelady.

This is a joint hearing of both the Subcommittee on National Security, Emerging Threats, and International Relations, which I chair. We have oversight over Defense, State Department, Homeland Security, and Coast Guard. The Subcommittee on Criminal Justice, Drug Policy, and Human Resources is chaired by Mark Souder. This is a joint hearing of our subcommittees, and Mr. Souder was stuck in an airplane. I didn't realize you would be back as quickly as you have been, or I would have held up the hearing. I was told it would be a little longer than that. So welcome. Mr. Souder has the floor.

Mr. SOUDER. I thank the chairman, and it is a privilege to do this joint hearing. We are both senior members of Homeland Security, too, so this cuts multiple ways. I appreciate his efforts in particular in organizing this hearing, and I look forward to addressing this important subject.

The security of the world's shipping lanes is a global issue that impacts global economic growth and stability. The United States needs to ensure that the oceans are safe for lawful private and public activities.

In October 2005, the Department of Homeland Security, in collaboration with the Department of Defense and the Department of State announced the completion and final approval of eight plans to promote maritime security. As we will hear today, one of these plans, the Maritime Operational Threat Response Plan, aims to coordinate the U.S. Government's response to threats against the United States and its interests on the high seas by establishing roles and responsibilities that enable the Government to respond quickly and decisively. The plan identifies the lead U.S. agency for incidents that involve U.S. citizens or interests, including counterterrorism operations, the detection, interdiction, and disposition of targeted cargo, people, and vessels, the attacks of vessels with U.S. citizens aboard or those affecting U.S. interests anywhere in the world.

This new plan and process establishes the protocols and procedures for achieving a coordinated response and ensuring a desired outcome. I look forward to discussing these maritime security issues today with representatives from the Department of Defense, Coast Guard and the Federal Bureau of Investigation, and hearing about the progress and improvements we have made with regard to maritime threats and responsive capabilities.

Piracy and criminal acts against ships are not only happening in action adventure films. These incidents occur regularly within the maritime domain. According to the most recent International Maritime Organization's crime report, July through September 2005, which compiles reports for the worldwide maritime industry, in the last 3-month report period there were 27 crew members that were held hostage or kidnapped; 15 crew members were assaulted; the fate of 11 crew member was unknown; 7 crew members were injured; and 1 ship and 2 tugboats and barges were hijacked or missing. All of these incidents within a 3-month period.

The cruise ship industry is not immune to piracy or criminal activity. On November 5, 2005, the Bahamian-flagged vessel ship Seabourn Spirit was approached by two armed small boats about

100 miles off the coast of Somalia. The cruise ship was apparently able to thwart their attackers by maneuvering to avoid being boarded, but only after rocket-propelled grenades were fired by the pirates. The Seabourn Spirit had 43 U.S. citizens on board.

The FBI reports that from fiscal year 2000 through June 2005, they opened 305 cases addressing crimes on the high seas. Over the past 5 years, sexual assaults made up 45 percent of the cases, and physical assaults were 22 percent of the cases on cruise ships that were reported to the FBI. Missing persons comprised 10 percent of the cases opened, and death investigations made up 8 percent of the reported cases.

As common as these crimes are, the U.S. Government's response to crimes in the maritime domain is oftentimes complicated and the investigations are prolonged. In the case of cruise ships, most are foreign-flagged and, thus, fall outside of U.S. law enforcement jurisdiction when not in a U.S. port and within U.S. territorial seas. Consequently, U.S. Federal law enforcement agencies are required to seek permission from the ship's flag state before they can board the vessel and begin a criminal investigation. The U.S. Government's response can also be dependent upon the type of crime that was committed, the location of the ship when the crime was committed, the nationality of the subject or victim, and the United States' relationship with other affected countries.

Once a crime has been discovered or reported on board a cruise ship, any delay in preserving evidence can potentially lead to the loss of evidence. I hope to learn today what responsibilities the cruise ships bear in preserving the crime scene and any related evidence until U.S. law enforcement officials arrive on board and can begin investigating the incident. Cruise ships are often compared to self-sustaining floating cities. If the vast majority of passengers on board the cruise ship are American citizens, is there a need for the U.S. Government to require a continuous law enforcement presence on board these mobile cities?

I look forward to discussing whether jurisdictional conflicts are a major impediment to the security of U.S. citizens while traveling on foreign-flagged vessels and if Congress needs to change the laws to better protect U.S. citizens. I would like to thank the panelists today for your participation, and we look forward to your testimony and insight into this important topic. Additionally, I would like to thank the families of those who have been victimized on cruise ships for being here today and for submitting written statements for the record.

[The prepared statement of Hon. Mark E. Souder follows:]

**Opening Statement
Chairman Mark Souder**

“International Maritime Security”

**Subcommittee on Criminal Justice, Drug Policy
And Human Resources
Committee on Government Reform**

December 13, 2005

I appreciate Mr. Shay's efforts in organizing this hearing, and I look forward to addressing this important subject. The security of the world's shipping lanes is a global issue that impacts global economic growth and stability. The United States needs to ensure that the oceans are safe for lawful private and public activities.

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thwart their attackers by maneuvering to avoid being boarding, but only after rocket-propelled grenades were fired by the pirates. The SEABOURN SPIRIT had 43 U.S. citizens on board.

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As common as these crimes are, the U.S. Government's response to crimes in the Maritime Domain is often times complicated and the investigations are prolonged. In the case of cruise ships, most are foreign-flagged and thus fall outside of U.S. law enforcement jurisdiction when not in a U.S. port, and within U.S. territorial seas. Consequently, U.S. federal law enforcement agencies are required to seek permission from the ship's flag-state before they can board the vessel, and begin a criminal investigation. The U.S. Government's response can also be dependent upon the type of crime that was committed, the location of the ship when the crime was committed, the nationality of the subject or victim, and the United States' relationship with other affected countries.

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Cruise ships are often compared to self-sustaining floating cities. If the vast majority of passengers on board the cruise ship are American citizens, is there a need for the U.S. Government to require a continuous U.S. law enforcement presence onboard these mobile cities?

I look forward to discussing whether jurisdictional conflicts are a major impediment to the security of U.S. citizens while traveling on foreign flagged vessels, and if Congress needs to change the laws to better protect U.S. citizens.

I would like to thank the panels today for your participation, and we look forward to your testimony and insight into this important topic. Additionally, I would like to thank the families of those who have been victimized on cruise ships for being here today, and for submitting written statements for the record.

Mr. SHAYS. Thank you.

At this time the Chair would recognize Congresswoman Norton.

Ms. NORTON. Thank you very much, Mr. Chairman. I want to thank the two astute Chairs for understanding that the relationship between the two subcommittees on this issue is joined at the hip and that we need to both look at this matter, not because we fear or want people not to go on cruise ships, but because they are increasingly popular and our job is to look at the safety of American citizens wherever they happen to be.

You know, I have never been on a cruise ship. I feel very deprived. And now I don't know whether I am supposed to be afraid to go on one or not. Maybe this hearing will enlighten me on that score.

A cruise ship is not a public conveyance, and normally, you know, a private business that goes on the high seas, there is a lot of incentive—namely, liability—if the passengers are from the United States of America to take every precaution. But here, of course, the interests of other nations are involved. Once we get into the complicated conflict of laws area, have mercy on us.

When I learned that more than 300 crimes were committed on the high seas involving American passengers, I was at first alarmed. But, you see, I don't know enough about what those crimes involve, and I would rather much think that most of them had to do with the kind of crimes that go on in the United States of America, of Americans, by Americans, than terrorist crimes, or else I would have heard about them. Therefore, this notion that has been raised by my colleagues before me about data could not be more important. We need to know more than we know, and it needs to be readily available. In other words, I need to know whether the problem is with thugs or terrorists, and so do the people who run ships, because that way they can decide perhaps more efficiently where their own resources should go.

I have to tell you, though, that even one of these incidents involving piracy is bound to be much larger than life, to hurt the industry, and, for that matter, to say to Americans here is yet another place you cannot go. You know, I remember the Achille Lauro matter. That was so long ago I had to kind of dredge my memory. But I read an article, and let me just read a few of the words that I am sure others read as well. This is from the Miami Herald. It spoke of the attack that I think one of my colleagues has mentioned off the waters of Somalia where crew members fended them off with hoses and sonic devices that blast painful loud noises in a directed beam. They were talking about pirates, because obviously a U.S. ship or a passenger cruise ship, otherwise known as a luxury ship, is an inviting target. In some ways it is an inviting target, and apparently the challenge was taken up. Nobody was injured or killed, unlike the horrible incident aboard the Achille Lauro, but it is time enough now to look into the nature of the crimes to see whether the industry is taking care of it by itself and to see, importantly, if the interests of the United States of America are taken care of in the way we regulate these ships and indicate our expectations of them when they have passengers of the United States of America aboard.

So I thank you again, both of you, for this hearing.

Mr. SHAYS. I thank the gentlelady, and at this time the Chair would recognize Mr. Duncan. Thank you for being here.

Mr. DUNCAN. Well, thank you very much, Chairman Shays, and thank you for calling this hearing. I am now serving my 9th full term and part of a 10th term. In all of that time I have served on several committees and several subcommittees under many different chairmen, both Democrats and Republicans, and I have always felt that Chairman Shays was one of the most active and one of the finest chairmen I have ever served under. And, of course, Chairman Souder is a good friend of mine also. I do not happen to serve on his subcommittee, but this hearing today is another example of how this subcommittee that Chairman Shays chairs is certainly one of the most active and interesting subcommittees in the Congress.

It is good that we are hopefully going to learn more about this. For instance, in skimming over the testimony of the witnesses and also a report that we have from the staff, it says that there are only about 50 crimes reported each year to the FBI of the 10 million passengers who travel on the cruise lines each year. In the last 2 years, there have been 13 missing people, and certainly we do not want to minimize the tragedy, and I do not mean to do that at all, of anyone who is killed or missing. On the other hand, there are some 2,000 people that go missing each day in this country, and from the looks of some of those statistics it looks like that it is far, far safer to go on a cruise than it is to just walk down the street in any town or city in America.

On the other hand, Chairman Souder mentioned some crimes or statistics that certainly should be of concern, and I guess one question is, are we making sure that all of these crimes are reported? And I understand the International Council of Cruise Lines, there is some sort of agreement, I see from the staff, that these crimes are required to be reported. But we have this danger today of doing legislation or reacting in response to what is being emphasized on the 24-hour news channels at a particular time, and certainly the terrible tragedy that happened to the newlyweds George and Jennifer Smith is certainly a sad thing and a terrible thing. But, on the other hand, I know that when Katrina happened, we immediately sent down \$10 billion, and then we came back and very quickly voted another \$62 billion, and then it turned out that people all over the country thought we overreacted there and sent perhaps too much money too fast, and then people started questioning that.

So we cannot blame piracy on the cruise lines, I would not think. The terrorism, of course, everybody has really toughened up on that, as they should have, since September 11th. But I understand that the passenger lists are being given to the proper authorities and every piece of luggage that goes on one of these cruise ships is being screened.

So maybe more needs to be done. On the other hand, if the problem is consistent with these statistics that are in the materials I have been given by the staff, then in some ways the cruise line industry should be commended. But if we need to do more or if something is not being reported or we need more information, then that

is good, too. If this problem is greater than it appears on the surface, then certainly this hearing should help show that.

So I thank both chairmen for calling this hearing today. Thank you.

Mr. SHAYS. I thank the gentleman for his thoughtful comments, and that is the way we need to approach this hearing. We need to go wherever the truth leads us. Whether it is an issue of law or regulation or administrative efforts or whether, in fact, it is getting the industry to just do a better job, it may be some or all of the above.

But one thing I can assure the gentleman is this will not be the only hearing, and it will be thorough, and everyone will have an opportunity to state the issue as clearly as they can.

Mr. DUNCAN. Well, I certainly appreciate that approach, and that is the approach that I assumed that you would take. Thank you.

Mr. SHAYS. Thank you, and I thank the gentleman for his kind words.

Mr. Ruppertsberger.

Mr. RUPPERSBERGER. Chairman Shays and Chairman Souder, I want to thank you for focusing on this issue. I serve on both your subcommittees, and you do go to the relevant issues.

I am familiar with port security. I represent the port of Baltimore. I also am co-Chair of the National Port Security Caucus. We have 539 ports in this country, and I am also on the Intelligence Committee. So I deal a lot in these areas.

What is really relevant about this hearing today is that a lot of our focus with respect to ports generally has been more on weapons of mass destruction and terrorism and issues such as that. So I think this hearing today is extremely relevant.

I also would like to acknowledge the Coast Guard, who I think is one of the better agencies we have in this country, and our country should be proud of their professionalism and the dedication of the members of the Coast Guard. They have done an excellent job. They showed that in Katrina. I think they have done a good job.

Now, maritime security is a very complicated issue. There are different times when different agencies and different countries have the right to board vessels and protect the people and the vessel. We must answer the questions, though, about safety. What laws apply in what situations? The FBI and the Coast Guard in our area, in our jurisdiction, share the burden of enforcing maritime jurisdiction. But who takes the lead? Who is ultimately responsible? What if there is a difference of opinion?

I think Katrina is another issue that showed that we need to have a plan and that we need to have someone in charge who is going to determine what the system is and how we are going to enforce it.

Now, it is important to determine who is in charge, as I said, a system in place, when the cruise ships travel outside of our jurisdiction and our borders. Each year approximately 10 million passengers take cruises. I think there are about 300 cruise ships that deal with these 10 million passengers, and one-half, or 5 million of those passengers, come from North America. So it is an extremely relevant issue to our country and how we deal with the issue.

Now, in fairness to the cruise ship industry, I have been told by the Coast Guard that the maritime travel on the cruise ships is among the safest modes of transportation available. The International Council of Cruise Lines should be commended for maintaining standards as it relates to safety. But high standards are not enough—the reason why we are here today—and we must continually work to improve.

Now, one question that we can ask and that I think is relevant—and I am going to ask it when we get to questions—is the issue about deadlines. We know that there is a lot of money involved in this industry. We know that when you leave one port, that ship has to get back to another port to pick up maybe 2,000 passengers. If they are late and they are not there, there are going to be a lot of unhappy people. And I just wonder what the system is as far as deadlines. Do we force our captains of those ships to travel into storms and unsafe places instead of waiting it out or taking another direction because of deadlines, because we have to pick up the next passengers? Because it is extremely important that the No. 1 priority should be safety, even if it means a delay. And I would like to know what that system is because I have heard many complaints about going through storms, you know, not having a very positive experience, but the captain has to go to the next port to pick up the new group that is coming in.

It is critical that we all work together, and that is why we are here today. Thank you, Mr. Chairman.

Mr. SHAYS. I thank the gentleman.

Let me take the opportunity to ask unanimous consent that all members of the subcommittees be permitted to place an opening statement in the record and that the record remain open for 3 days for that purpose, and without objection, so ordered.

I ask further unanimous consent that all witnesses may be permitted to include their written statements in the record, and without objection, so ordered. And I am also going to ask unanimous consent that Ms. Jennifer Hagel Smith, wife of Mr. George A. Smith IV, and Mr. George Smith and Ms. Maureen Smith, and Ms. Bree Smith, family of Mr. George A. Smith IV, be allowed to submit a statement for the record; and Ms. Jean Scavone, mother of Mr. James Christopher Scavone, be allowed to submit a statement, and Mr. Michael Pham, son of Mr. Hue V. Pham and Mrs. Hue T. Tran, be permitted to submit a statement; and Mr. and Mrs. Kendall Carver, parents of Ms. Merrian Lynn Carver, be permitted to submit a statement; and Ms. Rita Sittig, mother of Mr. Christopher Caldwell, be allowed to submit a statement; and also Mr. and Mrs. Ira Leonard as well. And then we have two statements from attorneys, one representing the Smith family and one representing the Dias family, and without objection, their statements will be submitted for the record.

[The information referred to follows:]

**Statements Submitted for the Record
International Maritime Security Hearing
December 13, 2005**

Mrs. Jennifer Hagel Smith, Wife of
Mr. George A. Smith IV

Mr. George Smith, Ms. Maureen Smith,
and Ms. Bree Smith, Esq., Family of
Mr. George A. Smith IV

Ms. Jean Scavone, Mother of
Mr. James Christopher
Scavone

Mr. Michael Pham, Son of Mr. Hue V. Pham and
Mrs. Hue T. Tran

Mr. and Mrs. Kendall Carver, Parents of
Ms. Merrian Lynn Carver

Ms. Rita Sittig, Mother of Mr. Christopher Caldwell

Mr. and Mrs. Ira Leonard

Mr. Brett Rivkind, Attorney for Parents of
George A. Smith IV

Mr. Luis A. Perez, Attorney for Parents of
Mr. Symon Dias

December 12, 2005

SUBCOMMITTEE ON NATIONAL SECURITY,
EMERGING THREATS, AND INTERNATIONAL RELATIONS
Room B-372 Rayburn Building
Washington, D.C.
20515

Re: Cruise Line Safety and Security

Dear Honorable Committee Members:

My name is Mrs. Jennifer Hagel Smith. I am 26 years old, and I am from Cromwell, Connecticut.

I met George Allen Smith IV on June 8, 2002, while I was living in Newport, Rhode Island, obtaining my Masters in Education. We quickly fell in love. Just as quickly, George became a very special part of my very close family.

My mother, Debbie, was a stay at home mom before she opened her own real estate office. My father, John, is a retired police sergeant and general contractor. My Dad was proud to say "yes" when George asked him for my hand in marriage on Valentine's Day in 2004. Everyone absolutely adored George.

George and I were excited about beginning our life together. George was going to assume responsibility of his Dad's business, while I was going to start teaching third grade in Westport. We planned to have at least two children. If we had a boy, which we both secretly hoped for, we would name him "George the Fifth," of course.

On a perfect Saturday on June 25th, 2005, we recited our vows overlooking the water in Newport, Rhode Island, where we first met. Our parents were bursting with pride on this euphoric day. It was truly the best day of my life!

July 5th, 2005, was the worst day of my life. This was the day when I lost my husband and my best friend during our honeymoon cruise. We both lost our dream of raising a family together, and the dream of giving our parents more grandchildren to love and spoil. This was the day that would forever change my life, and shatter the lives of our families.

Three Royal Caribbean Cruise line men told me that my husband had gone overboard in Greek waters.

When I heard these cruel words, I literally felt my world spinning out of control. This could not be happening. My heart felt like it was caving in, being crushed inside my chest. "What are you saying? Why are you telling me this?" I couldn't breathe. I felt like I was suffocating. My teeth were chattering, tears were falling, and then I went numb all over.

The cruise line men took me to a main gathering area on the ship where other passengers were laughing and smiling and milling around. These sights and noises made me feel nauseous. I felt completely and utterly alone. There was no compassion, sympathy or sensitivity shown by the cruise line.

Another cruise line employee took me to an empty cabin. I was told to take a shower. I received a tank top, T-shirt and gym shorts all with the Royal Caribbean logo splashed across them. Having to wear the cruise line logo humiliated me.

I asked if I could contact George's parents immediately. The cruise line told me not to call anyone; however, I couldn't bare the weight of this nightmare alone. Finally, the cruise line permitted me to call my family. My mother answered the phone. She heard me crying and handed the telephone to my Dad. He began to wail when he heard that George was gone. We did not know what to do or where to turn.

The Captain of the cruise ship told me that I had to leave the ship with the Turkish police. I was afraid. I wanted to stay on the ship and find out what happened to George, and I desperately wanted my parents to fly to the next port to meet me. I called my Dad. The Captain promised him that I would leave the ship for only a short period of time. He promised my Dad that two ship security officers would accompany me at all times. He ensured us that the officers would promptly return me to the ship.

I was interrogated by a Turkish police officer in an office at the port. I was then driven into the city to a Turkish police station where I was mocked and taunted as I sat crying and bewildered. Where were the two cruise line security officers? I was then taken against my will, further from the cruise ship, to a hospital. A man, who I could not understand, lifted up my shirt and looked down my shorts without taking me to a private examining room.

When I finally returned to the port, all of our suitcases were brought down and left on the dock. Our clothes and personal items, which could not be crammed in the suitcases, were haphazardly stuffed into 10 plastic souvenir bags, all emblazoned with the Royal Caribbean logo. My eyes became transfixed on a pair of George's sneakers sticking out of one plastic bag. This memory will forever haunt me.

The ship sailed without me that evening. I was left in Turkey with no money, no plane ticket, no food, nothing . . . The cruise line did not offer me help with a flight, hotel arrangements, or anything. I could not speak the native language and I felt abandoned.

I had to borrow money to pay for a hotel. I was mentally and physically exhausted and had not been offered anything to eat all day. Borrowing a telephone to call home once again, my Dad provided his credit card to pay for my flight home. After two long flights, I arrived at JFK and literally collapsed into the arms of my parents.

Since returning home, I have cooperated completely with the FBI. These agents have been working relentlessly to bring closure and justice to our lives. The Bureau has asked me to remain silent about the events surrounding that night before docking in Turkey, so as not to jeopardize their ongoing investigation. I agreed, and thus have remained true to my word. The FBI has allowed me to speak about my deplorable treatment following the death of my husband, although nothing else. I am anxious for the opportunity to tell my full story, when the FBI believes I can freely explain everything that I knew then and have come to learn since the death of my husband without interfering with their vigilant investigation.

The cruise line has taken advantage of my silence. Initially, the cruise line issued a statement attacking George, stating that it was just an accident and suggesting that it was all George's fault. Subsequently, I have come to learn that the cruise line knew all along that there was blood in and outside of our cabin as well as other substantial evidence of foul play. As if this were not bad enough, you can imagine my shock and disbelief when I read a local Connecticut newspaper, in which Michael Crye, President of the International Council of Cruise Lines ("ICCL"), blamed George's death on both of us by stating "it's difficult if someone chooses to do harm to themselves or their companion." I don't know if Mr. Crye is married or if he has children of his own, but I find his reckless remarks offending our reputations and character both hurtful and irresponsible.

I have tried to put these malicious comments in proper perspective, coming as they do from a cruise line which obviously did not care for the well being of me or my husband. I see now that it was only our business they valued - not our safety and security.

In recent months, I have learned that Royal Caribbean is a corporate felon involving crimes of dishonesty. They are incapable of protecting U.S. citizens without direct federal oversight and regulation. No other families should have to endure our pain or have their lives destroyed just like the families here today. The cruise industry should spend less time attacking victims and more time making passenger safety its' number one priority. I would also spend the largest part of the following year's budget ensuring just that.

Our families have received many letters, cards and telephone calls both from the public and members of the media, expressing their concern for us and offering their support. I take this opportunity to thank everyone who has been so supportive and understanding of our feelings in this time of crisis.

I am committed to determining what happened to my husband and seeing that justice is served. I have retained a law firm in Miami, Florida to assist our families with our goal of finding the truth. We have already sent many letters to the cruise line requesting information, as well as access to the cruise ship in order to conduct a thorough inspection and investigation. To date, the

cruise line has provided us with no information and no assistance. We have not been permitted to board the cruise ship, even though the ship is now sailing from the Port of Miami.

Under these circumstances, we are appealing to the American public to help our family. We are offering a reward of \$100,000.00 for new information leading to the arrest and conviction of the individual or individuals responsible for George's death. I have created a website - HagelSmith.com - which explains this further. If you were on this cruise, or if you know of any circumstances surrounding my husband's disappearance, please help us!

Thank you for providing me with this opportunity to address your committee. I also want to especially thank my Congressman, Mr. Christopher Shays, and George's parents, Maureen and George Smith III, and my sister-in-law, Bree, for their determination and efforts, which have focused the committee's attention on this most important matter.

Sincerely,

Jennifer Hagel Smith

Written Statement Prepared for Joint Hearing on Cruise Security
To be Held on December 13, 2005

To Whom It May Concern:

We are the parents and sister of George A. Smith IV, aged 26 years old, who went missing from the Royal Caribbean "Brilliance of the Seas" on July 5, 2005 between Greece and Turkey. No words can express the deep sorrow our family carries over George's death. George was a special person, not only to his family but also to his many friends who miss him dearly. No family should have to endure the terror that we have in the past five months.

At 6:30 am on July 5th, we were informed by Jennifer Hagel Smith's father that something terrible had happened to our beloved son and brother while cruising in the Aegean Sea. Later that day, we were informed by Pamela Powell, supervisor of guest claims at Royal Caribbean, that there was "no news" regarding George's disappearance with a 'business as usual' attitude. Royal Caribbean conducted one search of the vessel for George and refused to conduct any further searches. Additionally, the "Brilliance of the Seas" did not return to the area where George went overboard to conduct a search of the waters, which is standard procedure for cruise ships and the appropriate thing to do.

Despite the fact that Bree complained of the lack of information forthcoming from Royal Caribbean, the company failed to provide us with any further information. Royal Caribbean never even informed us that the Turkish authorities were conducting a criminal investigation into George's disappearance.

We called the Connecticut branch of the Federal Bureau of Investigation (FBI) after being informed by Congressman Christopher Shays' office that there was blood in George's stateroom. If we had not called Congressman Shays' office on July 5th and got the Connecticut FBI involved, George's death would most likely have been labeled a suicide or accident by Royal Caribbean, which the cruise lines consistently attempt to do. The cruise lines are often successful in so doing as there is usually a lack of physical evidence indicating a crime. Thankfully, there was substantial physical evidence surrounding George's disappearance and the cruise lines' usual approach failed.

Our family broke off communication with Royal Caribbean on July 6th after Bree feared we had a conflict of interest with the company given that a crew member was implicated in a witness statement taken by the Turkish police and provided to us by the American Embassy in Ankara, Turkey. This was the beginning of a comprehensive cover-up that would shock and nearly destroy our family.

The day that Bree broke off communication with Royal Caribbean local News Channel 12 broke the story that George had gone missing from his honeymoon cruise. We were informed that in that story the newscaster stated that the drunken honeymooner fell overboard accidentally and that the captain of the vessel had overruled foul play in his disappearance. We contacted the American Embassy in Ankara regarding this misinformation. The press office agreed to discuss my brother's disappearance generally and inform the media that foul play had not been overruled by the investigating authorities.

What Royal Caribbean did not realize was that the News Channel 12 story would be picked up by the New York media and then the national and international media. Investigative reporters would uncover the following further elements of Royal Caribbean's cover-up:

- The blood on the overhang was washed away by security personnel prior to the Turkish authorities even entering the ship. Before the FBI entered the ship, the blood on the overhang had been painted over under the supervision of the ship's captain.
- Security failed to enter George's cabin even after several complaints of a loud fight taking place inside. If they had entered his stateroom, our son and brother's life may have been saved.
- The cruise ship was not locked down in Kusadasi, Turkey, the next port of call after George's disappearance. Passengers and crew members were free to disembark as usual, potentially taking crucial evidence off of the cruise ship with them.
- The Turkish authorities were rushed off the boat prior to completing a full investigation so that the cruise ship could make the next port of call on schedule.
- The "Brilliance of the Seas" sailed off into the sunset with the murderers on board therefore jeopardizing the safety of all the other passengers on board. If crew members were responsible for George's death, the murderers may still be on board to this current day.

These factors indicate that major changes need to be made to the cruise industry.

The next communication we received from Royal Caribbean was on September 3 from Lynn Martenstein, Vice President of Corporate Communications, with whom we had never spoken before. She left a message for Maureen and George on the answering machine stating that she was the one that had been on 'A Current Affair' and wanted to tell us about the show that she would be on the next week. Not once did she state that she was sorry for our loss or concerned that the case remained unsolved. Her only concern was protecting Royal Caribbean's image in the media.

It has been five months since our beloved son and brother disappeared into the Aegean Sea. His body has still not been recovered. We are not able to bury George. We have no grave to visit to pray for him. We miss him immensely and we cannot comprehend the fact that he will never again make us laugh as only he could do. If only Royal Caribbean's so-called security force was less negligent, our son would still be here with us today.

George's disappearance is still being actively investigated by the FBI; however, there have been no arrests. Our worst fear is that Royal Caribbean may have been successful in destroying the evidence needed to secure the arrests and convictions of George's murderers.

Crimes and their subsequent cover-ups continuously plague the cruise industry leaving the FBI and other authorities with minimal power to investigate. Heavy lobbying by the cruise industry has resulted in placing passengers at risk on cruise ships and leaving passengers and their families with little or no rights. The time has come to stand up to the cruise industry and protect American citizens by passing new laws that make the cruise industry accountable for passenger safety and preservation of crime scenes, strengthen passenger rights and law enforcement's powers.

This is a photograph of George during the last day of his life in Mykonos, Greece.



Please don't let George die in vain.

We end this statement with great sadness but hope for the future that changes will be made to protect innocent passengers, like our beloved son and brother, who sail on cruise ships.

Sincerely,

George A. Smith III

Maureen T. Smith

Bree J. Smith, Esq.

To: The Subcommittee on National Security Emerging Threats, and International Relations, Criminal Justice, Drug Policy and Human Resources

My son James Christopher Scavone vanished from the Carnival Cruise Ship "Destiny" on July 5, 1999. This trip was a graduation gift from his father and me. He had just graduated from Western Connecticut State University in Danbury Connecticut and was to begin graduate school At NYU in New York City in September.

Jim was on the trip with his best friend Jeff and twelve members of Jeff's family including his mother and step-father. They boarded the ship in the afternoon of July 4, 1999. All fourteen of them had dinner that night at 8pm. Several of the young men went back to their cabin after dinner for a short time. About 10pm they visited the casino and saw Jeff's parents. They then went to the Point After disco club. They had several drinks at the club and danced with several other passengers. At about 12.30am Jim told the boys he was going to the men's room. Jim was never seen again!

When the boys returned to the cabin at about 3am they decided that Jim must have met someone and would return in the morning. They woke up about 10am and still had not heard from Jim. They went to Jeff's parents who in turn went to the ship authorities and asked to have Jim paged over the intercom. Jim never answered the page. The ship notified the U.S. Coast Guard sometime in the afternoon of July 5, 1999. The parents and the ship's officer called our home in Meriden Connecticut at 5pm on July 5, 1999. They reported that they could not find Jim. The ship assured me that they would find him They said they would do a cabin by cabin search during the dinner hour. At 10pm they told me that still had not found him.

The following morning I called the FBI in New Haven Connecticut. An agent visited our home and assured us that the San Juan FBI would investigate when the ship arrived in San Juan. The ship docked in the afternoon of July 6, 1999. The FBI asked permission and was granted the request to board the ship. The FBI interviewed a number of people including the young people that were with Jim the previous night. They left the ship and called me at 10pm that night. They told me that there was no evidence of foul play and therefore they concluded that he must have fallen overboard.

A few weeks later I asked for and was sent the itemized bill of my son's sail card which is used to pay for anything on the ship and also serves as a key to enter your

cabin. The bill indicated that Jim did not go anywhere and buy anything after he left the Point After disco at about 12:30am on July 5, 1999, and he never reentered his cabin.

My son Jim had just turned twenty two less than three weeks before this trip. We have never seen or heard from our son since he kissed us both goodbye on the morning of July 5, 1999. No one should go on a cruise and vanish, but many people do. Since July 23, 2004 eight people, to my knowledge have vanished from cruise ships. The number of assaults and rapes are not know to me, but in August 1999 the cruise industry said publicly that they would report to authorities at the next port any reports of assault or rapes on their cruise ships. If this committee could do anything to assure the millions of United States citizens that they will be safe on cruise ships in the future that would be a wonderful thing. No families should endure the pain of not knowing how, when, where, or why their loved one did not return home safe from their cruise vacation.

December 6, 2005

United States House of Representatives
Subcommittee on National Security, Emerging Threats and International Relations
Subcommittee on Criminal Justice, Drug Policy and Human Resources

In Reference to: International Maritime Security

Attention: Congressman Christopher Shays

Dear Congressman Shays,

I was informed by several members of the media of the upcoming joint hearing on 'International Maritime Security' by the Subcommittees on National Security, Emerging Threats and International Relations, and Criminal Justice, Drug Policy and Human Resources. I am writing to you on behalf of the survived family members of Mr. Hue V. Pham and Mrs. Hue T. Tran, residents of the State of California.

Our beloved father, Mr. Hue V. Pham, and our beloved mother, Mrs. Hue T. Tran, disappeared from a Carnival Cruise ship in middle of the Caribbean Sea on May 12, 2005. After months of fighting for some answers, the FBI, the U.S Coast Guard, and the Superior Court of California declared that my parents are presumed death at seas.

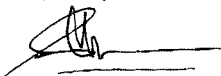
It has been a nightmare for our family for the last +6 months. We were left to find our own ways in dealing with our tragic loss. Our own government turned their backs on us, some of our legislators forgot about us, and the cruise company acted business as usual. In the process, we learned that we were not alone. At least six persons disappeared within a nine-month period, all except one without any trace. These floating cities with a population of more than two thousand people, the majority are citizens of the United States, could not come up with what happened to their passengers, no surveillance tapes, no witnesses, nothing accounted for the missing passenger(s).

The cruise company just went on with their business and completely ignored our request for assistance. Cruise companies are protected from their responsibilities by the outdated 'Death On The High Seas Act' (DOHSA). We learned that passenger after passenger disappeared on the same cruise line, Carnival Cruise Lines, still no warning issued to passengers upon boarding of their ships, no surveillance cameras installed in areas that are most vulnerable for accident or for crime, no program and procedure to assist family members of the victims. They just went on with their business as usual, clear off the ship, load the next group of passengers, and set sail. The traveling public is not made aware that aboard foreign-flagged ship, operated by foreign-registered owners, sailing in international waters, means the rights of American citizens are not protected such as in our case.

We urge you and members of the U.S Congress to not only look into the unfair protections the cruise industry is allowed, but also the way these cruise companies are operated in the

area of safety for their passengers, and how victims of crime aboard cruise ships are handled by cruise companies. And we urge you to look into the fairness of the Death On The High Seas Act and immediately change this 1920 Act to allow cruise line owners and operators held accountable for any negligence or wrongdoings, as any other U.S corporation would ... before the next victim disappears without a trace aboard a cruise ship and another family has to suffer through dealing with a loss of life without any support from the owner and operator of the cruise line and without proper assistance from our government.

Respectfully submitted,



Son Michael Pham

Bellevue, WA

Son Michael Pham and family, son of Mr. Pham and Mrs. Tran
Sammamish, Washington

On behalf of other surviving family members:

Canh Tran, father of Mrs. Tran
Westminster, California

Hai Pham and family, son of Mr. Pham and Mrs. Tran
Palo Alto, California

Lam Pham and family, son of Mr. Pham and Mrs. Tran
Arlington Heights, Illinois

Giang Pham and family, son of Mr. Pham and Mrs. Tran
Chicago, Illinois

Sharon Pham, daughter of Mr. Pham and Mrs. Tran
Chicago, Illinois

Kendall and Carol Carver

Phoenix, Arizona 85018

December 7, 2005

Congressman Christopher Shays (CT-4) and Congressman Mark Souder (IN-3),
Chairmen of the Subcommittees on National Security, Emerging Threats and
International Relations, and Criminal Justice, Drug Policy and Human Resources

Gentlemen:

First of all, we appreciate this opportunity to submit a written statement to the above committees at their hearing entitled "International Maritime Security" regarding security issues of United States citizens as passengers on cruise ships. I have had experience with one of the major cruise lines and I offer the following to highlight some of the pertinent problems under existing laws and practices.

My family has had the following terrible experience with Celebrity Cruise Line, a wholly owned subsidiary of the Royal Caribbean Line.

1. Our daughter, Merrian Lynn Carver, boarded the Mercury Cruise Ship in Seattle on August 2004 for a cruise to Alaska from which she never returned. She apparently disappeared very early in the cruise. According to depositions obtained after the family hired lawyers and private investigators, her cabin attendant repeatedly reported to his supervisor that Merrian was missing from and not using her cabin, but no action was taken.
2. The cruise line did not report her disappearance to any authority – either Canadian or American.
3. After the ship reached the end of its cruise in Vancouver the only action taken by the cruise line was to take our daughter's possessions from the cabin and send them to their office in Miami. No attempt was made to contact the immediate family members
4. When we found our daughter was missing from her home in Cambridge, Massachusetts, we contacted the Cambridge police who traced a credit card transaction that led us to the cruise line. It took almost one month before we received confirmation from the cruise line that she had even been on their ship, Mercury.
5. We learned a few details concerning the disappearance of our daughter, Merrian, only by hiring a detective agency to investigate the matter and law firms to

require by court action testimony from crewmembers many months after the event.

6. The cruise line did not provide helpful information to us and denied having surveillance tapes and other information we have requested – such as reports on any investigation made by the chief security officer or actions taken or conclusion reached by the captain if he investigated the matter.
7. Neither the Coast Guard nor the FBI has been able to conduct an investigation of what happened to our daughter because of jurisdictional problems. We, therefore, have not been able to get the assistance from authorities that we would have if our daughter disappeared within our country instead of from a cruise ship.
8. The action of the cruise line - both the things they did and things that they should have done but failed to do - caused our family great anguish. We were able to obtain information from the company about our daughter's disappearance only by extensive efforts over many months and at considerable expense.
9. We still do not know whether her disappearance was the result of an accident, suicide or a crime. The actions by the cruise line may mean that we'll never know because so much time has passed.

Again, we thank the committee for the opportunity to bring this sad story to your attention as you consider the problem of security of U.S. citizens on board cruise lines. It's hard to lose a much-loved daughter. Having to work so hard to try and find out what happened to our daughter made everything more painful.

We hope that these hearings may lead to reforms such that other families do not have similar experiences in the future. We will be happy to provide any other information the committee might find helpful, and we request that our statement be part of the record of this hearing.

Very sincerely

Kendall Carver

Carol Carver

Attachments:

- I. Interview on the Larry King Show – August 1, 2005
- II Article in the Arizona Republic November 10, 2005 edition concerning the details of our daughter's disappearance

Attachment I to Carver Statement at hearing on
International Maritime Security

Attachment from Interview on the Larry King Show
August 1, 2005

According to an interview on the August 1, 2005 Larry King show, maritime lawyer James Walker made the following statement in a discussion concerning Royal Caribbean Cruise Lines:

“KING: James Walker, what do you make of it? JAMES WALKER, MARITIME ATTORNEY: Well, this is the typical situation that we see, unfortunately, in passenger injury or death cases. The investigations seem to start slow. The **cruise** line, of course, has already run this through their risk management department. They've sent their attorneys, their defense attorneys, their trial attorneys from Miami to the scene. The passengers have scattered. The crime scene is now floating around in international waters from port to port. It's going to be a very difficult situation.

This particular cruise line has never had a successful conviction of any crime on their ships, as far as we know, for the past 35 years, and it looks like this may be another statistic”

Attachment II to Carver Statement at hearing on International Maritime Security

Daughter vanishes while on Alaskan cruise The strange disappearance of Merrian Carver Robert Anglen

The Arizona Republic
Nov. 10, 2005 12:00 AM

She boarded the Mercury but never got off. The cruise line called it a suicide. But her father's investigation has left him with as many questions as answers about her fate - and the cruise line itself.

Her words tumbled out of the phone, anxious and afraid. "Do you know where my mommy is? I've been trying to call her, and she hasn't called back for days. Is she with you?"

From his home in Phoenix, Kendall Carver forced reassurance into his voice and tried to calm his 13-year-old granddaughter thousands of miles away in England.

"Don't worry. We'll call her," he said. "We'll find out where she is."

Kendall knew his granddaughter had talked to her mother at least once a day ever since a divorce left mother and daughter living on opposite sides of the world. Hanging up the phone, he felt something must have happened to his oldest daughter. Something bad.

Three weeks later, Kendall and his wife would discover what it was: Merrian Carver had flown to Seattle from Boston for an Alaskan cruise and had vanished while the ship was at sea.

Even worse, as the Carvers continued to look for their daughter, they also would discover the ship's staff members knew Merrian had disappeared and never reported it. They simply packed up her belongings and stored them away.

The Carvers' desperate search, told through interviews, court records, private-investigator reports and documents from Celebrity Cruise Lines, is not just the story of a missing woman. It also is one that raises questions about the cruise line's actions: whether it turned its back on a missing passenger, violated its own regulations and withheld critical information from the family during its search.

Celebrity officials acknowledge that an employee showed bad judgment by not reporting Merrian's absence. But even if they'd known she was missing, there was little they could do. The outcome would not have changed.

That is little comfort to the Carvers. Sitting in his home office, which has become command central in the search for his daughter, Kendall's voice cracks with emotion.

"We've learned that if something happens on a cruise, you are on your own," he says, choking back sobs. "No other parents should ever have to go through the crap we've been through. We don't know if Merrian is alive or dead. We don't know if there was an accident or murder or suicide or something else. . . . It is a very sad story."

Tracing her steps

Even as Kendall soothed his granddaughter, he pictured Merrian, the oldest of his four daughters. At 40, she was a bright, vivacious redhead with an independent spirit and a penchant for writing poetry.

Although most of the family had moved west when Kendall retired from his job as president of a New York

insurance company, Merrian stayed on the East Coast. She lived outside Boston, where she had gone to school before becoming an investment banker and marrying. She didn't have a job at the time and was living off a trust fund and her investments.

After his granddaughter hung up, Kendall made a note of the date: Sept. 1, 2004. He turned to his wife, Carol, and told her their daughter appeared to be missing.

The Carvers phoned Merrian's apartment in Cambridge, Mass. Like their granddaughter, they didn't get an answer. They kept calling, but only the answering machine picked up.

Their other daughters were next. Relatives. Friends. One by one, names were scratched off, and the phone bill stacked up. Nobody had any idea where Merrian might have gone. She hadn't talked with them or shared any plans.

Two days passed. Panic set in. The Carvers thought of bizarre accidents and emergency rooms, their daughter alone and unable to communicate. They called the police to check her apartment.

Cambridge police officers went there but found no clue to her whereabouts.

Carol said it felt like they had run into a wall. And the Carvers were forced to consider a dark possibility. Years before, in the midst of her divorce and overwhelmed with the thought of her marriage breaking up, Merrian threatened to commit suicide. She even disappeared for more than a month. Could the same thing have happened again?

The Carvers tried to dismiss the idea, but there it was, like an ugly stain they couldn't erase from their minds. At the same time, their granddaughter kept calling, wanting to know if they had heard from Mommy.

After a week had passed, the Carvers filed a missing-persons report with Cambridge police. Several days later, a detective assigned to the case accessed Merrian's bank records. On her credit-card record he found round-trip airfare and a single ticket for a Celebrity Cruise aboard the Mercury. The ship had departed Seattle on Aug. 27 and returned to Vancouver on Sept. 3.

The Carvers were instantly relieved. They finally knew where Merrian had gone. She had taken a vacation. It was the answer they'd hoped for.

But their relief didn't last.

Cruise downplays trouble

As soon as the detective told them Merrian had booked a cruise, Kendall was on the phone with Royal Caribbean International, the parent company of Celebrity Cruises. Had his daughter been a passenger on the ship?

Three days later, the company's risk manager called back with the answer. Nervous with anticipation, Kendall took the call in his office. Only a month earlier, the office had been used for his photography hobby, a place of refuge. Now it was a mess of papers, notes and jotted messages.

Kendall was struck by Royal Caribbean's cooperation and concern. The risk manager was providing him with the thing he needed most: details.

Yes, Merrian had been on the ship. But apparently she had stopped using her cabin after the second night of the cruise. Kendall's voice cracked with alarm. "*What?*" The manager was quick to reassure, adding that it is common for passengers not to use their rooms.

Perhaps Merrian used a friend's cabin or met someone on board. Yes, Merrian had left some clothes and personal effects in the room, but that also isn't uncommon; guests leave lots of things. When Merrian didn't collect her belongings after the cruise, her clothes had been given to

charity. Her purse, which contained some papers, keys and computer disks, had been put into storage.

Kendall asked the risk manager to open the computer disks and e-mail the contents, hoping it would give him something to go on. Within hours, he had them. But the only things that the disks contained were poems Merrian had written. Kendall and Carol pored over the writing, hoping for clues to Merrian's mind-set and her whereabouts.

Dejected, Kendall called Brian Branley, the Cambridge detective assigned to Merrian's case. He had confirmed Merrian was aboard the ship.

Branley didn't offer much hope. They did have enough to get the cruise line to file a police report. Branley called Royal Caribbean and told it to file a report with Vancouver authorities in case a crime had been committed.

At this point, Merrian had been missing for almost a month, and the Carvers were running out of options. Kendall started to think of his daughter as "gone." He had begun the legal process of taking over her accounts and finances.

But accepting the possibility of their daughter's death did not mean the Carvers understood what happened to Merrian.

Haunted by the idea of giving up on their daughter and frightened that they might have missed something, the Carvers hired private investigators to find out what had happened on that ship.

Suicide or murder?

In November, two months after Merrian's disappearance, California investigator Tim Schmolder met with cruise officials for a tour of the Mercury while it was docked in Monterey.

In his report to the Carvers, Schmolder said Royal Caribbean Cruises Manager Katy Yaziciyan was "initially defensive." Although she agreed to allow Schmolder to walk through the ship, Yaziciyan limited his time to a couple of hours because the ship's crew was scheduled for training that day.

Yaziciyan refused to name a cabin steward who had contact with Merrian during the Alaskan cruise. She said the employee, whom she described simply as a "male Indian," was now working on another ship. Likewise, the hotel manager, who oversees the ship's hotel operations, was on vacation and could not be interviewed.

Yaziciyan also refused to let Schmolder interview the security officer in charge of video surveillance. Video cameras aren't used to track guests, and the tapes are reviewed only after an accident report is filed, she said. They're stored for a couple of weeks before being reused. The tapes from Merrian's cruise would be erased by now.

"It was apparent early on that the level of cooperation from Royal Caribbean was not high enough to produce a thorough investigation," Schmolder reported.

Ship records confirmed that Merrian had never used her Sea Pass, an onboard credit card that also acts as identification. She never bought a single drink or made any other purchase. There also was no record that Merrian left the ship in any port during the cruise. But Yaziciyan acknowledged that the ship does not keep records of passengers getting off in Vancouver.

Schmolder surveyed Merrian's room on the Panorama Deck, more than 100 feet above the waterline. Although her cabin had an ocean view, the windows were bolted shut. Still, Schmolder

said it was a short walk to an elevator or stairs leading up to an open-air deck.

"It seemed highly plausible that someone could go overboard without being observed," Schmolder reported, adding that Merrian's "sudden disappearance is most easily explained by the suicide theory."

But he couldn't rule out foul play on the Mercury. "A harmful encounter with a stranger would almost certainly have been swift and fatal."

The investigator's report made the Carvers angry. It raised as many questions as it answered. Why were cruise officials, who had been so helpful before, suddenly throwing up roadblocks? Didn't they want to find Merrian? Why wouldn't they grant interviews with employees? Kendall decided to force some answers. He put lawyers to work in Massachusetts and Florida. They obtained court-ordered subpoenas for crew members, then made the cruise line comply.

Finally, in January, two Royal Caribbean employees testified in a telephone deposition. The Carvers were stunned. For the first time, they found out that cruise members were actually aware, even concerned, about Merrian's absence. Yet they did nothing about it.

Cabin steward Domingo Monteiro described meeting Merrian on the first day of the cruise. He noticed she was missing two days later. "I told my supervisor that this lady didn't sleep in the room," he said. "He say, 'Do your job.' That's it. He didn't say anything else."

Monteiro said it was not unusual for rooms to go unused. But he noticed \$107 had been left on the dresser, under his name card. Although cruise guests are expected to leave tips for the staff, it's customary to wait until the last day of the cruise.

Monteiro said he didn't take the money. He simply made up the bed, placed the day's program on the coverlet and left the room.

That night, he found the room unchanged, money on the dresser, program on the bed. He turned down the bed as required and left a chocolate in colored tinfoil on the pillow.

The next morning, the chocolate and money remained undisturbed, and he again reported Merrian's absence to his supervisor.

For the remainder of the cruise, Monteiro said he continued making the unused bed in the morning, turning it down in the evening and swapping out the uneaten candies on the pillow. He left a different color for each night. He also kept reporting Merrian's absence to his supervisor.

"I just informed him the lady didn't come in the room. I informed him," Monteiro said.

He said the last time he had seen Merrian was on the second night of the cruise, when he brought her two sandwiches from room service. He also said she did not appear sad, upset, angry or in any way out of sorts.

On the last day of the cruise, Merrian's clothes and belongings were right where she had left them. Monteiro said he collected the money from the dresser, turned it over to his supervisor and asked what to do with Merrian's belongings. The supervisor told him to pack them up and store them in a locker.

Monteiro said he asked the supervisor if they should report it.

"I ask him, and he told me that he will take care of it," he said.

Kendall and Carol were drained. They couldn't believe the cruise line would just pack up their

daughter's belongings and say nothing about her disappearance. They thought the search for Merrian couldn't get any worse. Cover-up alleged

The next day, with the Carvers again listening via telephone, lawyers questioned Christos Hadjipetris, the manager in charge of hotel operations on the ship.

Although ship officials had not acted on Merrian's disappearance, Hadjipetris testified that the company had begun its own internal investigation and had fired Monteiro's supervisor for failing to report Merrian's absence.

The investigation had begun at the end of September, after Branley, the Cambridge detective, had contacted the cruise line. Despite the detective's request, no police report was ever filed in Vancouver. Instead, about five weeks after Merrian's disappearance, Royal Caribbean filed a missing-persons report with the FBI.

Hadjipetris said the supervisor was fired for poor performance. He called it a case of bad judgment, saying, "We felt that it would be better for the (supervisor) and the company that he would not be employed with us anymore."

To the Carvers, it appeared that Royal Caribbean was cleaning house. They wondered what other pieces of the puzzle might have been swept away.

In desperation, Kendall wrote to Royal Caribbean's chairman and board of directors, begging for intervention. Kendall appealed to the director as a former company president, hoping to cut through the legal bureaucracy.

"I am reaching out to you in the hopes of achieving some closure," Kendall wrote. "The response from your corporation's employees and agents has left me with a deep concern that I have been betrayed by, at the least, a failure to disclose, and at the worst, a concerted purposeful cover-up."

Kendall poured his heart into the letter. He wrote that despite all their requests for documents about Merrian and the cruise, the only thing Royal Caribbean had provided was a snapshot of his daughter boarding the ship.

Days passed. Carol watched her husband sink into despair as they waited for a response.

About a week later, Royal Caribbean's risk manager called the Carvers and promised the company would provide any and all information it could.

Kendall quickly asked for security reports, the captain's records, investigation reports and affidavits from employees.

In the middle of February, the Carvers received a copy of a security report about Merrian's disappearance. The Sept. 30 report from Royal Caribbean's manager of fleet security noted that company regulations had been violated. It said the ship's captain, the bridge and the security office should have been notified the moment Merrian disappeared.

The report also suggested Merrian's belongings should not have been moved.

"Evidence found at the scene of an incident must be left where found and must not be touched," the report said. "The ship's security staff must secure the scene and maintain the integrity of the incident scene, ensuring nothing is touched or tampered with, until outside investigators arrive on board."

In March, the entire Carver family was gathered at the United Methodist Church in Paradise Valley. The Carvers had so far spent about \$75,000 looking for their daughter. Now they felt it

was time for a ceremony to remember Merrian.

They refused to call it a memorial service. Merrian's picture was on display. Her poems were put to music. It was both sad and uplifting.

The Carvers recently had cleaned out Merrian's apartment. They kept personal items and gave the rest to charity. But among the family gathered for the ceremony, there was no agreement on Merrian's fate. Even Kendall and Carol disagreed. Kendall thought his daughter was dead. Carol believed Merrian was still alive.

What Kendall felt most was rage at the cruise line. As he thought about Merrian during the service, he decided the only thing left to do was to sue.

Through the spring and summer, the Carvers and their lawyers continued to request documents from Royal Caribbean. But the cruise line didn't respond. Kendall had gotten into a routine, calling and sending e-mails to the police, the Coast Guard and the FBI, trying to keep the search for his daughter alive.

In August, the Carvers sued Royal Caribbean for damages in a Miami court. And when reporters questioned the cruise line about the lawsuit and Merrian's disappearance, the company issued a statement that stunned the Carvers.

Royal Caribbean declared Merrian dead.

"Mrs. Carver had severe emotional problems, had attempted suicide before and appears to have committed suicide on our ship," the cruise line said in the Oct. 26 statement. "The death of Merrian Carver is a horrible tragedy, but, regrettably, there is very little a cruise line, a resort or a hotel can do to prevent someone from committing suicide."

Contacted by *The Arizona Republic*, officials with the cruise line declined to elaborate on the statement, saying the case was in litigation.

For the Carvers, the statement was the ultimate insult. Sitting forward in his chair recently, Kendall jabbed at the one-page statement. He had already typed up a response on his office computer accusing Royal Caribbean of omitting some facts and misstating others.

"This was just their way of trashing Merrian," he said. "That's all this is." He shook his head, ran his hands through his hair and looked at his wife.

"How do they know for sure she is dead?" he said. "Do they know something we don't?"

Dear Mr. Parkin,

My name is Rita Sittig and Christopher Caldwell was my son. He went on a Carnival Fascination cruise July 2004 with his fiancée. On the morning of July 23(eight days after his 37th birthday) Chris was last seen(on record) by a bar tender at the rear of the boat and he stated to the coast guard that Chris was belligerent and very drunk. BUT he was then allowed to roam the ship rather than anyone caring enough about him to either escort him to his room or lock him up! When his fiancée could not find him at 6:30 am she told the captain and they did a SLIGHT search of the boat, waited until they got into port and had all the passengers get off with their ID cards to make sure that Chris didn't sneak off. But they didn't notify the Coast Guard until AFTER this was done. They were about 15 miles off the Fl. Coast in international waters so it took a while for the coast guard to even get back there to look for him. They searched all day Friday and then called me that night to say they would do a grid search on the tide and would look again at first light. At 5:00 pm on Sat. they called off the search and declared him gone and told us that he probably never survived the fall and that there would most likely not be a body found. Carnival NEVER called us at all! They left port about 2 hours after arriving and telling the coast guard with the bar tender knew.

This has devastated our entire family. Chris was my first child and it's bad enough to lose a child and have a body to bury but we knew nothing and had no body. Chris left behind 3 daughters Jessica 16, Shelby 13 and Kaylee 11. Even though the girls lived with their mother, their daddy was only 15 minutes away in the same town and they were with him on several days a week. They two families remained good friends and spent holidays tighter. I know that sounds strange but it was true. These girls have suffered so much pain and still write to their daddy on his website. www.christopher-caldwell.memory-of.com

I spent the entire first year grieving so hard that I was always sick including a bout with skin cancer. When it came close to the first year anniversary I had to make a choice as to keep grieving so intensely or to honor Chris's memory. I chose to celebrate his birthday rather than the day he died by giving a gift card to a baby born on his birthday. It helped me knowing that our loss was helping a new baby. I still to this day cry at times, I miss him so much. And the fact that I don't really know what happened that night has given me many nightmares. No one wants to have their child suffer. I would NEVER wish this on anyone!

Please, I beg of you to make this industry stand accountable for these things. They should not be allowed to have their lawyer go on TV and say it would cost millions of dollars to install security cameras on the ships and that the small number of people disappearing didn't justify the cost. Also you can't escort drunks to their rooms because that would be treating them like babies. Well, let one of their family members disappear and let's see how fast things will change!!!

We, the families, are counting on this congressional meeting to make these people have to be regulated and not just be able to get away with these things.
My granddaughters STILL haven't gotten any SSI because there was no body therefore we had to hire an attorney to have a paper showing Chris was dead. These still isn't finished. My daughter contacted Carnival numerous times and they were NO help at all.
Thanks you for caring about this situation.
Rita Sittig

Ira and Myrtle Leonard
 [REDACTED]
 Hamden, Ct. 06518
 October 7, 2005

Congressman Christopher Shays
 1126 Longworth Building
 Washington, D.C. 20515-0704

Dear Congressman Shays:

The Sunday Oct 2, 2005 issue of the *New York Times*, Metro Section, carried Alison Cowan's story, "*Honeymoon Disappearance Haunts Ct. Family*" indicating that you were trying to conduct hearings on cruise safety and to prepare legislation that would "create affirmative obligations and responsibilities for cruise lines in protecting their passengers."

While our tale of woe on Royal Caribbean International's, "*Empress of the Seas*" in June 2004 cannot be compared to the horrific Smith disappearance, we think you and your staff should be apprised of what is the more typical problem encountered on cruises—**grand larceny thefts**—and the legal ability of Royal Caribbean International, among others?, to ignore the crime and simply brush off the victims.

Most cruiseline passengers board the ship feeling it is safe and they are secure and if something happens, the ship's company will rectify it. Our experience with Royal Caribbean International since June 2004 has taught us that there is there is **NO ONE (not the Federal Maritime Commission, lawyers, the Travel Industry Media, the booking agent, in this case AAA)** capable of advocating for the passenger should a major problem occur and has brought us to the realization that the cruise line passenger is entirely on his/her own unless they want to sue, which as it turns out, is not cost effective because of the way the cruise documents are skewed in the cruise line's favor. Furthermore, most lawyers we have spoken to are hesitant to take on cases because of their lack of expertise in Maritime Law and will caution about the expense involved, especially having to sue in a Miami, Florida court as RCI cruise documents require. This allows the company to ignore safety procedures that are commonly practiced in most US hotels.

If you can get into someone's cabin to steal property and personal identities, why can't you place contraband in the cabin? What about the transit of contraband from cruise ships into American ports— the potential for terrorists – using unwitting passengers to bring in deadly stuff? Since 9/11, whose laws govern cruise ships, maritime law or US law, and has anything changed with respect to cruise ships using places like Bayonne, New Jersey, Miami, etc.?

What follows is a detailed account of what happened to us (documentation available upon request).

While on a cruise aboard Royal Caribbean International *Empress of the Seas* (sailing date, May 29, 2004 from Bayonne, New Jersey), booked by AAA, approximately \$7,000.00 worth of jewelry was stolen from our stateroom, 3020, on the evening of June 2nd and reported to the ship personnel on the morning of June 3rd when we discovered the jewelry was missing. We filed a signed statement using a ship-supplied form (enclosed) with the ship's Chief Security Officer, William MacLaughlin, who conducted a search of our room with Chief Housekeeper Ann Marie. They did not find the jewelry, which was in a small satin turquoise jewelry pouch.

We were told by Luis Martins, Guest Relations Manager, that our statement and the Chief Security Officer's report about the cabin burglary were being forwarded to Royal Caribbean

International in Miami and we should contact them upon returning home. We asked him for a copy of the Security Chief's report; he said he could not give that to us. He told us there was nothing he could do for us on the ship, but we shouldn't worry and should continue enjoying the cruise, because Royal Caribbean had a reputation for "doing the right thing".

We believe the theft occurred because of negligence and security lapses by ship personnel and policies of RCI.

1) SAFES

There was no safe in the room. Royal Caribbean's official cruise booklet said "most rooms" had safes. We found out most rooms did not and that was confirmed by Louis Martins, Guest Relations Manager. A passenger from Huntington, LI said she had called in advance of the sailing and was told her room would have a safe. It did not. In order to use the limited amount of safes in the Guest Relations area, one had to stand in the long guest relations line to have access. This was extremely inconvenient each time one wanted to change a piece of jewelry. Most of the passengers I talked to felt the same way. By the end of the trip, when word of the burglary got around, many passengers were carrying their jewelry around with them. When I asked our steward about the safes, he said the room was secure because it could only be entered with the key cards. The steward said there were only three people with access to the room: my husband, me and himself.

2) MULTIPLE KEY CARDS

My wife was issued multiple key cards over a period of two days in order to have proper access to our stateroom.

- a. The first key card was issued to her in Bayonne, N.J. as we were about to board the ship. This card didn't work and the steward sent us to Guest Relations. After standing in line for over a half hour, we turned in the card and she received a new key card from Nadine.
- b. When I, Myrtle, later discovered the second key card didn't work, I returned to Guest Relations and waited in line another half hour. I was asked if I had changed rooms because the key card I had been given was for someone else's room in the 35 section of the ship (I was in the 30 section). I stated that I had not changed rooms. After some discussion between the two men on duty, I was given a new card and turned in the old key card.
- c. I was successfully using the third card until I realized my husband's name was on the key card instead of mine and my name needed to be there in order for me to leave and board the ship. I returned to Guest Relations, stood in line for 18 minutes, turned in that card which worked, and received a fourth key card.
- d. It took four key cards to have valid access to my room.

THE KEY CARDS CONTAIN THE ROOM NUMBERS AND SEATING TIME OF DINNER

The key cards had the last 3 digits (020) of our four digit room number (3020) on them as well as our dinner seating time of 8:30. Anyone with knowledge of the ship would know exactly when we would not be in our room and could try 3020, 4020, etc. On a previous cruise on Enchantment of the Seas, our key card had the whole room number on it. **None of the key cards we returned were destroyed in front of us.** Chief Security Officer MacLaughlin told us that they should have been destroyed in front of me. On the Saturday after the burglary, at approximately 3pm, we noticed a staff member in the Guest Relations area cutting up key cards into little pieces. Several other guests noticed it too.

THE KEY CARDS WITH ROOM NUMBERS ON THEM ARE ALSO USED AS CREDIT CARDS ON BOARD AND ARE HANDED OVER TO PERSONNEL WHO WALK OFF WITH THEM TO RECORD TRANSACTIONS.

On Monday, May 31st, we ordered drinks in the Schooner Lounge at 11 p.m., handing our key card to the waitress. When neither the drinks nor the card had arrived by 11:45, we went looking for her. She said she had asked another person to deliver our drinks. As a courtesy for the inconvenience, we were not charged for the drinks. However, there is a grave question of security here since the card with our room number was out of our presence for 45 minutes.

3) REPORTING THE BURGLARY

Even here, proper ship procedure was not followed by personnel. After discovering the theft, my husband and I spent two hours going through everything over and over as we did not want to make any false accusations. The steward helped us move furniture and turn over the mattresses. When we didn't find the missing pouch, the steward sent us up to Guest Relations to report it at approximately 11:45 am. Nadine, in Guest Relations, said we'd probably find it and if we didn't, she'd report it to security that evening. We told her we had been through everything over and over, but she insisted guests usually end up finding their missing things. When we returned to our cabin, the steward was very upset and said, "We can't wait 'til tonight. That's not proper procedure." He notified his supervisor, Cathy Munro, who came down and took some information and I filled out a form for her. We were arriving in Hamilton at this time (approximately 2pm). Because we booked a 2:30pm tour, we gave her permission to search our room with security personnel while we were not there. When we returned at 5:30 pm, the room had not been searched because the Chief Security Officer William MacLaughlin said we had to be there. Then the Chief Security Officer and Chief Housekeeper Ann Marie did the search. They both said the search should have been called for in the morning as soon as I reported the robbery.

We feel the incidents described above are signs of negligence and lack of concern for passenger security by Royal Caribbean. If we were given a key to someone else's room, how do we know **someone wasn't given one to ours? The third key card that worked and contained our room and dinner information was not destroyed in front of us.** What happened to it? What can happen when key cards are given to transact purchases and are out of sight of the passengers or "guests" as RCI likes to call us? Aside from the theft, what about the inconvenience we endured standing in lines because of staff negligence issuing 4 key cards to have valid access to our room? Another concern: if someone has access to the room to steal something, can they not come in and plant something (drugs, gems, bombs) ---what kind of security is that? RCI officials Betty Taillefer, President Jack Williams and Executive Vice President Adam Goldstein refused even to discuss or take any responsibility for the conditions that made the jewelry theft or the "unfortunate incident," as they refer to it, possible.

4) The Aftermath:

We reported the grand larceny to the Company Headquarters as instructed

On June 9th, the day after we arrived home we telephoned and reported the burglary to Royal Caribbean Representative, Ms. Betty Taillefer, Personal Property, Guest Relations, in Miami. She told us she had not received any papers from *Empress of the Seas*. As per her instructions, we sent her a detailed written statement, including the **ship-supplied form** and faxed her additional statements clarifying remarks made to her that day and again on **June 29, 2004** faxed her additional information to strengthen our case for reimbursement.

Ms. Betty Taillefer, sent us a form letter, dated **June 30th, 2004** in which she dismissed company responsibility, officially referring to the theft as the **"unfortunate incident"**. The letter referred us to the terms of the cruise documents. We are file number #NE 05/29/04 BK3156907.

We wrote to the President of RCI

We then sent a letter to the President of Royal Caribbean International, Mr. Jack Williams on July 12, 2004 requesting a mutually acceptable agreement by August 2, 2004. He did not respond to

the letter, but we received a second copy of Ms. Betty Taillefer's form letter, this time dated August 10th.

We sent letters to the booking agent, AAA

As soon as we returned home, we also informed our travel agent, Mr. Henri Gautschi at AAA World Wide Travel, 55 Dorrance St., Providence, RI 02903 and sent him the same material sent to RCI. Mr. Gautschi told us he was forwarding our information to their Royal Caribbean District Manager. We followed this up with letters directly to the President of AAA.

We wrote to lawyers

We spoke and corresponded with several travel agents and Connecticut lawyers who all agreed we had grounds for a negligence case, but concluded the case would have to be filed in Miami, FL to comply with RCI's cruise documents, and the costs of litigation would far exceed the amount of our loss.

We had a Florida attorney write to RCI President, Jack Williams with a copy to Adam M. Goldstein, RCI Executive Vice President on November 30, 2004 requesting a response to our request for settlement before we made Royal Caribbean's negligence and lack of security procedures on the ship known to the media. That letter, too, was ignored.

We reported the grand larceny to the Federal Maritime Commission

We reported the theft to the Federal Maritime Commission on August 4, 2004 and received a file number 04-A-6-642. Ms. Pearl Carr-Notice (202 523-5807), of the FMC informed us that the agency sought to act as an intermediary and work out solutions, but it had no coercive power to do so. On January 26, 2005, Ms. Carr-Notice said she contacted Ms. Betty Taillefer on January 25th and Ms. Taillefer referred her to the cruise documents. Ms. Carr-Notice told us she requested Ms. Taillefer to send her a copy of Security Chief MacLaughlin's report, but it has not been forthcoming. In a letter faxed to Ms. Carr-Notice, dated February 9, 2005 (enclosed), Ms. Taillefer, asserted: "WE HAVE CONTACTED OUR VESSEL AND NO NOTICE OF INCIDENT WAS REPORTED ON BOARD." More than nine months after we reported the burglary to RCI, which included our handwritten statement on the RCI-generated form, the company representative told the Federal Maritime Commission that "no notice of incident was reported on board."

We contacted the Travel Media

We contacted the CondeNast Travel and Leisure Ombudsman who informed us that thefts were so frequent on cruises that his magazine cannot deal with the issue. The Manager of the Consumer Complaint Column of *Travel and Leisure* did not even have the courtesy to respond to our two letters outlining the issue.

On April 20, 2005 we wrote to Captain Howard A. Newhoff, Security Manager for Royal Caribbean International, asking for the official report of the grand larceny to some law enforcement agency and received a letter from the company representative, Betty Taillefer, indicating that RCI (and all other cruise lines?) did not have to report thefts –grand larcenies on shipboard—of less than \$10,000! *Bingo!*

Finally, we understood: The Cruiselines are immune to the laws of the United States and citizens board at their own risk, and we found the answer to our question: to whom can American citizens turn to when they are victimized on a cruise?

Congressman Shays, after reading our correspondence, kindly have your staff ask RCI for our file of correspondence to verify our assertions and then do something about this kind of lunacy.

Thank you.



Sincerely yours,

You might ask what the devil we were doing with \$7,000 dollars worth of jewelry (gifts accumulated over a 42 year marriage) on a cruise? This was to be the holiday cruise, with all the trimmings, wearing of a tux and evening gowns for cruise "formal nights," etc. and lots of fun, as advertised by the cruise line.

P.S.

Some of the issues:

****Just how many thefts are committed on cruise ships and how many are never reported by the cruise companies. What are the actual industry stats? And who has those statistics?***

****How well does the cruise company protect its "guests" and take care of them when there is "an unfortunate incident?"***

****How well is the AAA, with millions of members and which books thousands of its members on RCI cruises, able to do something for its victimized members, who it booked on the cruise?***

****How well do US Government agencies help American citizens victimized on a cruise?***

****How well does the travel industry media oversee the industry in the interest of the consumers?***

To Repeat: If you can get into someone's cabin to steal property and personal identities, why can't you place contraband in the cabin? What about the transit of contraband from cruise ships into American ports– the potential for terrorists – using unwitting passengers to bring in deadly stuff? Since 9/11, whose laws govern cruise ships, maritime law or US law, and has anything changed with respect to cruise ships using places like Bayonne, New Jersey, Miami, etc.?

P. P.S. Why aren't all passenger-documented crimes (thefts and injuries, etc.) required to be reported? With the availability of the internet, we feel there should be a website for passengers and their travel agents to report documented thefts of any amount and crimes aboard ships in order to have reliable statistics available to potential cruise passengers.

An example is ebay's feedback system.

enclosure #1

Leonard

Thank you for your inquiry. Your request has been forwarded to the appropriate department. We will contact you within 48 hours. Sincerely,
Royal Caribbean International

Cruise Summary

8 NIGHT BERMUDA CRUISE
aboard
EMPEROR OF THE SEAS

RESERVATION ID: 3156887
SAILING DATE: 29 MAY 2004
SAILING FROM: CAPE LIBERTY CRUISE PORT, NJ
BOARDING AT: 05:30 p
SAILING TIME: 05:30 p
DINING SEATING: Main

STATE ROOM: 3020
DECK: DECK THREE
CATEGORY: I

If this symbol * is indicated next to your Dining Seating assignment, your primary request for dining has NOT been accommodated. While we will make every effort to accommodate your request up to the day of sailing, your desired seating may not become available due to high demand. When you check-in, please check your SeaPass card, it will indicate the final outcome of your seating request.

Travel Itinerary

	Arrive	Depart
CRUISE ITINERARY:		
MAY 29	CAPE LIBERTY CRUISE PORT, NJ	05:30p
MAY 30	AT SEA	
MAY 31	ST. GEORGE ISLAND, BERMUDA	12:00p
JUN 1	ST. GEORGE ISLAND, BERMUDA	06:00a
JUN 1	KINGS WHARF, BERMUDA	07:30a
JUN 2	KINGS WHARF, BERMUDA	
JUN 3	KINGS WHARF, BERMUDA	12:30p
JUN 4	HAMILTON, BERMUDA	02:00p
JUN 5	AT SEA	04:30p
JUN 6	CAPE LIBERTY CRUISE PORT, NJ	09:30a

Weather or itinerary changes may alter this schedule.



Royal Caribbean International
 10000 International Way
 Miami, FL 33132

tel. 800.433.6000
 www.royalcaribbean.com

enclosure # 2

Leonard

June 30, 2004

Myrtle Leonard
 [REDACTED]
 Hamden, Ct 06518

RE: NE 05/29/04 BK # 3156907

Dear Guests:

We acknowledge receipt of your letter and were sorry to learn of the unfortunate incident you described.

Although we genuinely sympathize with you for your loss, we regret we are unable to compensate you for your personal items. All claims are evaluated according to your Passenger Ticket Contract, which we suggest you review for further clarification.

If you have not done so already we suggest you consider submitting your claim to your travel or private insurers for consideration.

Sincerely,


 Betty Taillefer
 Personal Property
 Guest Claims

enclosure # 3 Leonard

52



AAA WORLD WIDE TRAVEL/HENRY
55 DORRANCE STREET
PROVIDENCE, RI - 02903
UNITED STATES

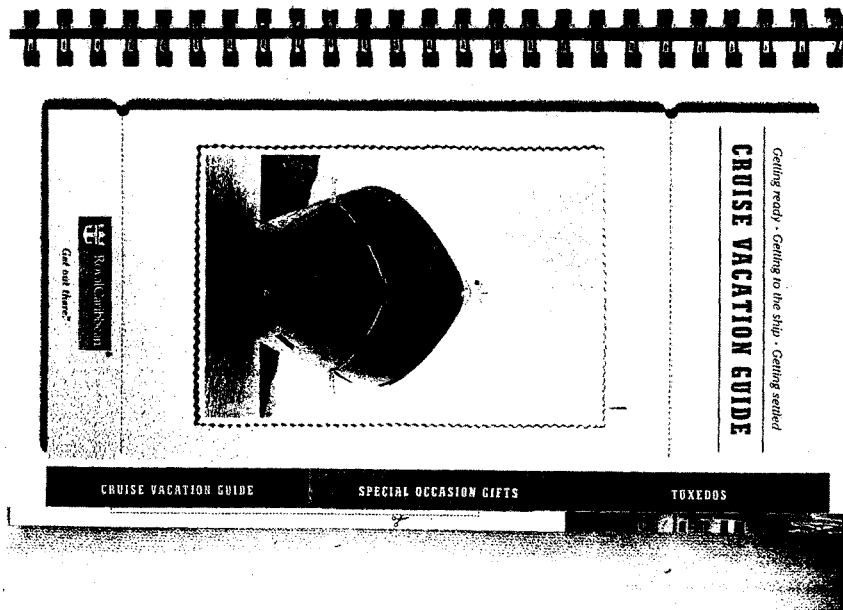
Crown & Anchor Membership #
IRA LEONARD
MYRTLE LEONARD

EMPRESS OF THE SEAS
Sailing: 29 MAY 2004
Group ID: Not Applicable
Reservation ID# 3156907



5506982

4018541GR



envelope # 4

GETTING SETTLED

Your check-in is complete, and you've settled into your stateroom. What, if you have to do it over your door and explain.

HOW DO I PAY FOR ONBOARD PURCHASES?

Royal Caribbean's "SeaPass" is a convenient way for you to pay for all of your onboard purchases and services. To open up a SeaPass account, simply present your Visa, MasterCard, American Express, Carte Blanche, or Discover Card to the SeaPass representative. They will take care of everything. On the final statement of your cruise vacation, an itemized statement of your account will be delivered to your stateroom. We accept cash in the casino, for gratuities and for foreign exchange on applicable itineraries.

WHAT ABOUT CASH, CHECKS AND FOREIGN CURRENCY?

Guest Relations at the Purser's Desk or Casino can cash a personal check for up to \$200. If you are an American Express member, personal checks are not accepted for cash. Personal checks are accepted in most ports. Guest Relations at the Purser's Desk will cash your checks, large U.S. bills, Canadian dollars and pounds sterling (No exchange service in Asia, South America for local currency, in Europe, all ports offer exchange services.)

CAN I CALL HOME FROM THE SHIP?

You can make a telephone call from your stateroom, 24 hours a day. The cost is \$7.95 per minute and will be automatically charged to your SeaPass account.

WILL MY FRIENDS AND FAMILY BE ABLE TO CONTACT THE SHIP?

Your friends and family can contact the ship by dialing (888) 84-SHIP (7447). Call (732) 335-3285 for more information. The cost is \$7.95 per minute and can be charged to their American

Express, MasterCard or Discover. (From outside the U.S., additional long distance charges will apply.)

IS THERE A CODE OF CONDUCT?
For the safety and comfort of our guests, Royal Caribbean has developed a set of Guest Vacation Guidelines for adults and children. If Royal Caribbean determines that certain guests are in violation of these guidelines, we may be forced to ask the offending party to leave the ship. Please make sure you are familiar with these guidelines, which are posted in the Guest Services Directory found in your stateroom.

IS THERE A SAFE PLACE TO STORE MY VALUABLES?

A limited number of safes for valuables are available at Guest Relations at the Purser's Desk, free of charge to our guests. In addition, safes are available in most staterooms.

TIPPING GUIDELINES

To thank those who have served you well, we suggest the following guidelines:

- Dining room waiter: \$3.50 a day per guest
- Stateroom Attendant: \$3.50 a day per guest
- Stateroom Attendant: \$2.00 a day per guest
- On 3 or 4 night cruises headwaiters are generally tipped \$2.50 per guest for the cruise.
- On 7-night or longer cruises, headwaiter gratuities are at your discretion.
- Gratuities for other service personnel are at your discretion.

Please note: All gratuities must be paid in cash in U.S. dollars to the appropriate SeaPass account. A 15% gratuity will be automatically added to your bar bill or wine check when served.



SPECIAL OCCASION GIFTS



Royal Caribbean
Cruise Lines

enclosure # 5

020 last
3 digits of
room 3020

		
M/S EMPRESS OF THE SEAS LEONARD, MYRTLE		MAY 29, 2004
BIRTH NAME: Carmen	SEATING: SECOND 08:30 PM	11
TABLE NO: 060	C/O 001-020	FELID NO: 38659049
GOLD MEMBER		

when we are
at dinner

PLEASE SIGN YOUR NAME

For your security you will be asked to show this card at the gangway, when re-boarding the ship & when making purchases throughout the ship. Please keep this card with you throughout the cruise. If lost, notify the Guest Relations Desk immediately.

PN 80463-S 60 2868 18

STATEMENT FORM	
Total Number of Pages: 181	
Full Name of Person Making Statement: Myrtle Leonard MYRTLE LEONARD	
Full Address: XXXXXXXXXX HAMDEN CT 06518	
Telephone Number(Home): XXXXXXXXXX	Telephone Number(Business):
Citizen of: USA	Occupation: Retired
Age: 67	Date of Birth: 09/04/36
Time Statement Started: 1800	Time Statement Finished: 1830
Date: June 3, 2004	Statement Taken By: Self
Vessel Name: Nordic Empress	Cabin Number: 3020
<p><u>Turquoise satin pouch with jewelry</u></p> <p>① diamond ring with 6 diamonds Oshaped gold Value 1980's approx 2,500 -- gold</p> <p>② diamond earrings clustered small small diamonds \$700-1000</p> <p>③ gold link bracelet \$700.00</p> <p>④ gold hoop earrings \$300</p> <p>⑤ black onyx pendant approx \$150.00</p>	
<p>I last used the pouch morning June 2nd approx 9:30-10:00 am. I kept it in a suitcase with several other bags of costume jewelry, a dress, bathrobe and some hangers. This morning June 3rd I went to get it and it was gone. My husband and I searched the room for it for approx 2 hrs - over and over going through everything in the room. We asked the steward if</p>	

STATEMENT FORM - CONTINUATION PAGE

Total Number of Pages: 282

Statement of: Myrtle Leonard

Date:

Continuation Page Number: of Total Pages

anyone else was in the room besides him. He said "No" and told us to report it to the purser and he would tell his supervisor. We reported it to Nadine in customer service. She made some notes and took us to check the safety deposit box at her area which we did but it wasn't in there. She told us to check back tonight if we hadn't found it. This was 11:45-12 noon.

Approx 1:45 pm the steward's supervisor came, Cathy ~~Monroe~~ ~~Monro~~, and I filled out a form of what was lost and we gave her permission to search the room with security while we went on of tour at 2:30 pm.

When we returned to our room at 5:30 we had a message from Luis to call him which I did and he sent Chief security and Chief house keeper to do the search at 6 pm.

~~Note~~ The ~~room~~ boarding pass is my 4th. The first one and the second didn't work. The 3rd one worked, but had my husband's name on it, so I went back up and received another pass my 4th which I am now using. I got the 4th pass on Sunday, May 30.

Myrtle Leonard
Signature

Retain for 1 Year

Statement: Myrtle S. Leonard/1

Myrtle S. Leonard
[REDACTED]

Hamden, Ct. 06518
[REDACTED]

June 9, 2004

Crown and Anchor Society #310207086
Cruise Booked by AAA Southern New England
Henri Gautschi, Travel Agent,
55 Dorrance Street
Providence, RI 02903-2200
(401) 272-7100

To: Royal Caribbean International

Betty at Fax 3055398101

Pursuant to our phone conversation, the morning of June 9, 2004, regarding the robbery of my jewelry aboard the Empress of the Seas, May 29, 2004 sailing date, I am enclosing a copy of my statement form given to the Chief Security Officer William MacLaughlin on June 3, 2004.

SOME ADDITIONAL INFORMATION:

Re: MISSING JEWELRY:

Also missing: Mobe Pearl earrings with small diamonds. I realized this on Friday, June 4th when it was the 2nd Formal Night. I reported it to the Chief Security Officer approximately 4pm that afternoon as we were speaking on Deck 10. He wrote it in his book and said he would include it in his report.. My report had already been turned in. Since returning home, I have the receipt for these earrings, purchased at \$518.45.

Statement: Myrtle S. Leonard/2

All of the missing jewelry with the exception of the gold link bracelet was purchased through Ross Simon Jewelers, 9 Ross Simon Dr., Cranston, R.I. 02920-446 tel. 1-800 556-7376. I have receipts for everything except the diamond earrings and they are sending me a statement for those from their files. All of the jewelry was purchased via catalogue except for the ring which was purchased in the Cranston store.

1. The Ring. I reported it had 6 marquise diamonds, but the appraisal states 9, which is correct. I was extremely flustered and upset at the time and trying to be as accurate and truthful as possible. I could not even remember the word marquise and drew a picture of a diamond instead on the report. I have an appraisal dated August 29, 1990 which values it at \$2,750.00. This was my favorite ring and it was one of a kind. It wasn't from the catalogue. I don't yet know what it would take to replicate it.
2. Diamond earrings . Still available in Ross Simon Catalogue \$898.00.
3. Gold Link Bracelet. Received this past Christmas purchased from Heavenly Treasures catalogue, 321 Main St. Allenhurst, New Jersey 07711 tel. 1-800 269-4637. 1 B21787-14K gold and Hammered oval link bracelet 7" \$629.95. I have receipt and letter from them.
4. Gold Hoop Earrings . Purchased from Ross Simon Catalogue \$199.95. Still available.
5. Black Onyx Tear Drop Pendant. Receipt lists at \$82.06, in catalogue as \$99.00 (I had a discount coupon). I valued it at \$150 in my statement because it was on a gold chain. The chain was a gift and I didn't know the real value.
6. Mobe Pearl Earrings. Discussed above, \$518. Still available in catalogue.

OTHER ADDITIONAL INFORMATION:

SAFES: There was no safe in the room. Royal Caribbean's official booklet said "most rooms" had safes. I found out later from several staff members that most rooms did not.

Statement: Myrtle S. Leonard/3

One passenger from Huntington, Long Island told me she had called in advance of the sailing and was told there were safes. Her room did not have one. We used the Safety Deposit Box for our cash. To use the deposit box one had to stand in Guest Relations line averaging 20 minutes. This was extremely inconvenient to get to the box to change a piece of jewelry. Most of the passengers I talked to felt the same way. By the end of the trip, when word of the robbery got around, many passengers were carrying their jewelry around with them. Upon arriving in our stateroom, my first question to the steward was, "Where is the safe?" He said there was none, but the rooms were secure because of the boarding cards and he was the only one who would be in my room.

MULTIPLE BOARDING CARDS: As you can see from my original statement, it took 4 passes/cards to get it right. None of the first three were destroyed in front of me. Keep in mind, the third pass worked, but it had my husband's name on it as I later realized. I needed to have it redone with my name to get off the ship at St George, hence the 4th pass. By this time, I was getting annoyed because I had to go up and stand in line again--18 minutes! The third pass worked, but it had my husband's name on it. I have no idea what happened to it after I turned it in to receive a fourth pass with my name on it. But I do know that it was opening the door to my room. The Chief Security Officer said the cards should have been cut up in front of me. Interestingly, on Saturday afternoon at approximately 3pm, I noticed a staff member in the Guest Relations area cutting up cards into little pieces. Several other guests noted it, too!

PROBLEM WITH CABIN DOOR : May 29th and 30th our cabin door did not automatically lock right away when leaving the room. We stayed a minute or two before it would click and then be locked. The steward reported it and it was fixed by maintenance men on Sunday, May 30th. This should also be in the Chief Security Officer's report.

Statement: Myrtle S. Leonard/4

REPORTING THE ROBBERY: As stated in my report, after discovering the loss, my husband and I spent 2 hours going through everything over and over as we did not want to make any false accusations. We told the steward and he sent us up to Guest Relations. This was approximately 11:45 am. Nadine said if we didn't find it by that evening, she would report it. We told her we had been through everything over and over, but she said guests usually end up finding their missing things. When we went back to our room, the steward was very upset and said "We can't wait til tonight. That's not proper procedure" and his supervisor Cathy Munro came down and took some information and I filled out a form for her. We were arriving in Hamilton at this time (approximately 2pm). Because we booked a 2:30pm tour, we gave her permission to search our room with security while we were not there. When we returned at 5:30pm, the room had not been searched because the Chief Security Officer William MacLaughlin said we had to be there. Then Chief Security Officer and Chief Housekeeper Ann Marie did the search. They both said the search should have been called for in the morning as soon as I reported the robbery.

OVERVIEW:

I wish to compliment you on your staff. They were extremely helpful and kind. Our steward, Bertram Burkes who has been with the ship for 14 years, pampered us from the moment we arrived on board---we couldn't have had better service at a 5 star hotel, Guest Relations Manager, Luis Martins, at our request, gave us the package of the official cruise pictures showing me wearing some of the jewelry, gratis. We also have our own pictures and some passengers are sending us theirs. Mr. Martins gave us his card and your company card and said, "Royal Caribbean has the reputation of doing the right thing."

We were enjoying the cruise until the jewelry was missing. We were traveling with 2 other couples. The men brought their tuxedos and suits and the ladies brought formal dresses. We decided to do it up and dress formally and nicely the other nights. Everything was fun.

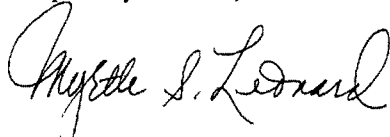
Statement: Myrtle S. Leonard/5

Then, of course, the cruise became a nightmare; we took the obligatory tour we had paid for. I told myself I wasn't going to let the robbery ruin my vacation, but of course, that's all I could think about for the rest of the trip. I lost my appetite and had trouble sleeping. I'm probably one of very few people who went on a cruise and lost weight.

REMEDY:

I feel that Royal Caribbean was negligent in the instances described above. My jewelry was not insured and can be easily replaced by your company with the exception of the ring, which unfortunately happens to be my favorite piece of jewelry. That would have to be worked out. I am not looking to gain anything I did not have upon my arrival on the ship. I simply want my jewelry replaced. If Royal Caribbean wants to do anything additional to make up for the sad ending of my cruise, that's entirely up to you.

Respectfully submitted,

A handwritten signature in cursive script that reads "Myrtle S. Leonard". The signature is written in dark ink and is positioned above the printed name.

Myrtle S. Leonard

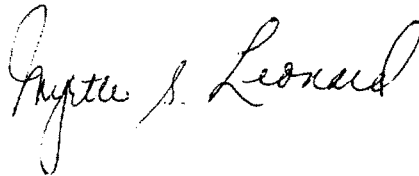
All jewelry receipts, ring appraisal, and catalog number for jewelry can be supplied upon request.

Leonard

Updated Inventory of Stolen Jewelry

Freeform diamond ring June '04 appraisal (I do not yet know what a jeweler would charge to replicate the ring)	\$3,995.00
Diamond cluster earrings \$998. + 6% tax	\$1,058.00
18K Concave hoop earrings \$199.00+6% tax	\$211.95
postage/handling for both earrings above were combined	\$31.59
Gold Link Bracelet \$629.95 plus postage and handling	\$654.90
Black Onyx Tear Drop Pendant. \$99.95 +6% tax +p/h \$12.95	\$118.90
***(Gold chain not listed separately, although referred to on previous lists because pendant was on it and chain was a gift. It is a 24" 14K gold mesh chain valued at approx. \$185.00. As it was a gift, I have no receipt. I do have a picture of me wearing it).	
	\$185.00
Mobe Pearl Earrings.	\$518.45
(I learned yesterday, the Mobe Pearl Earrings and hoop earrings are no longer available.)	

The most honest and accurate total of my lost jewelry is approximately \$6773.79



LEONARD

Personal Property Appraisal

ROSS SIMONS

Appraised for:
Myrtle Leonard
[REDACTED]
Hamden, CT 06518

Westtown Mall
64 Westtown Mall
Hamden, CT 06518
Tel (860) 561-2265
Toll-free (800) 512-1617
Fax (860) 561-2273

Date: June 24, 2004

DESCRIPTION OF ARTICLE(S)

VALUE

One ladies 14kt yellow gold freeform diamond ring weighing 4.2 grams
Including the diamonds. The ring consists of nine marquise diamonds
Weighing a total of 1.44 carats. The diamonds have an average clarity
Grade of SI - 1 and a color grade range of G/H.




David Gagnon
Store Manager
APPRaiser

DISCLAIMER: This appraisal is for the use of the client and is not to be used for any other purpose. The appraiser is not responsible for the accuracy of the information provided by the client. The appraiser is not responsible for the accuracy of the information provided by the client. The appraiser is not responsible for the accuracy of the information provided by the client.



June 30, 2004

Myrtle Leonard
[REDACTED]
Hamden, Ct 06518

RE: NE 05/29/04 BK # 3156907

Dear Guests:

We acknowledge receipt of your letter and were sorry to learn of the unfortunate incident you described.

Although we genuinely sympathize with you for your loss, we regret we are unable to compensate you for your personal items. All claims are evaluated according to your Passenger Ticket Contract, which we suggest you review for further clarification.

If you have not done so already we suggest you consider submitting your claim to your travel or private insurers for consideration.

Sincerely,


Betty Taillefer
Personal Property
Guest Claims

Ira and Myrtle Leonard
[REDACTED]
Hamden, Ct 06518
July 12, 2004

Mr. Jack Williams
President, ROYAL CARIBBEAN INTERNATIONAL
1050 Caribbean Way,
Miami FL 33132

Dear Mr. Williams:

Enclosed you will find a copy of the form letter response from Betty Taillefer at ROYAL CARIBBEAN INTERNATIONAL about our "unfortunate incident" while on a recent 8-day cruise to Bermuda. The "unfortunate incident" was a robbery of jewelry from our stateroom, which we believe was due to negligence by your company representatives.

Kindly examine the file, # NE 05/29/04 BK# 3156907, which should include our statements of June 3, 2004, June 9, 2004, and June 29, 2004.

If an amicable and mutually acceptable agreement can not be reached with ROYAL CARIBBEAN INTERNATIONAL by August 2, 2004 we will turn the case over to an attorney in Florida and will contact the travel news media including but not limited to the OMBUDSMAN at CONDE NAST and to the Manager of the Consumer Complaint Column in TRAVEL & LEISURE about the problems we had on the *Empress of the Seas* that led to this "unfortunate incident".

Respectfully submitted,

Myrtle Leonard
Ira Leonard

Crown and Anchor Society #310207086
Cruise Booked by AAA Southern New England



Royal Caribbean International
1050 Caribbean Way
Miami, FL 33132

Tel: 305 539 6000
www.royalcaribbean.com

August 10, 2004

Ira & Myrtle Leonard
[REDACTED]
Hamden, Ct 06518

RE: N.E. Bk # 3156907 s/d 5/29/04

Dear Guests:

We acknowledge receipt of your letter and were sorry to learn of the unfortunate incident you described.

Although we genuinely sympathize with you for your loss, we regret we are unable to compensate you for your personal items (jewelry). All claims are evaluated according to your Passenger Ticket Contract, which we suggest you review for further clarification.

If you have not done so already we suggest you consider submitting your claim to your travel or private insurers for consideration.

Sincerely,

Betty Taillefer
Personal Property
Guest Claims



1050 Caribbean Way
Miami, FL 33132

tel: 305.339.6000
www.royalcaribbean.com

February 9, 2005

Federal Maritime Commission
Attn: Pear Carr-Notice
Fax 202-275-0059

Subject: Ira & Myrtle Leonard - 21:04-A-6-649

RE: NV Bk # 9536931 S/D 01/08/05

Dear Guests:

We acknowledge receipt of your letter and were sorry to learn of the unfortunate incident you described.

Although we genuinely sympathize with you for your loss, we regret we are unable to compensate you for your personal items. All claims are evaluated according to your Passenger Ticket Contract, which we suggest you review for further clarification.

We have contacted our vessel and no notice of incident was reported on board.

If you have not done so already we suggest you consider submitting your claim to your travel or private insurers for consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Betty Taillefer".
Betty Taillefer
Personal Property
Guest Claims

Condé Nast
Traveler
TRUTH IN TRAVEL

February 22, 2005

Ira M. and Myrtle S. Leonard

Hamden, CT 06518

Dear Mr. and Mrs. Leonard:

Thank you for your letter to the Ombudsman.

While it does not appear we can assist further with your complaint against Royal Caribbean Cruise Lines, we do appreciate the information you sent regarding your experience. We have received many letters involving the theft of a guest's belongings while onboard a cruise, some involving numerous concerns regarding the company's security policies, others from those who have encountered nothing out of the ordinary. Unfortunately, regardless of circumstances, unless negligence can be substantively proven (something we do not have the means nor the authority to investigate), its liability is extremely limited, as dictated by maritime and/or local laws. Any decision to compensate beyond the company's legal obligation (which, in most cases, is either nothing or a nominal amount at best) must be left to its discretion.

I wish we could do more to assist, but I thank you for contacting us, and wish you the very best in your future travels.

Sincerely,



Eric Jordan
Ombudsman column



110 Royal Little Drive
 Providence, RI 02904-1863
 Tel: 401-868-2000
 aaa.com

March 31, 2005

Mr. & Mrs. Ira Leonard
 [REDACTED]
 Hamden, CT 06518

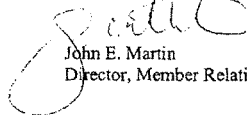
Dear Mr. & Mrs. Leonard,

Your letter of March 19, 2005 to AAA's National Office has been referred to me for investigation and response. Let me start by saying that everyone at AAA Southern New England understands how devastating it must have been to suffer the loss of so much valuable jewelry.

We are aware of the steps you have taken to bring this matter to the attention of authorities at Royal Caribbean Cruise Line (RCCL). Having also made contact with our regional representative on your behalf, it's our belief that the management of RCCL has made a final decision in this matter, as they have communicated to you. While we would like to be of further help to you, the Passenger Ticket Contract is very explicit regarding limitations to RCCL's liability.

We regret that we cannot offer more assistance in this matter.

Sincerely,


 John E. Martin
 Director, Member Relations

Cc: William Sutherland, V.P. Travel
 Karen Dunn, AAA National Member Relations

Serving over 2,000,000 AAA Members in Southern New England

Travel

Insurance

Financial Services

Ira and Myrtle Leonard [REDACTED]
[REDACTED]
Hamden, Ct 06518
April 20, 2005

Captain Howard A. Newhoff,
Security Manager,
ROYAL CARIBBEAN INTERNATIONAL
1050 Caribbean Way,
Miami FL 33132

Dear Captain Newhoff:

We are seeking information about a theft of our property that took place on the evening of June 2, 2004 while on a Royal Caribbean International Cruise line ship, *Empress of the Seas* (formerly the *Nordic Empress*).

We have been unable to obtain any information about how Royal Caribbean International handled this criminal act.

Even the Federal Maritime Commission has been unable to find out from RCI whether this burglary, which we reported to the ship's personnel, specifically to the ship's Chief of Security William McLaughlin and which he investigated, was ever reported by RCI to any official law enforcement or government agency.

D.G. Taylor, Freedom of Information Officer of The US Coast Guard, told us that "crime statistics for cruise ships are captured by the national law enforcement agency for the nation in which the vessel is registered." But we have also heard that RCI might direct such information to the Federal Bureau of Investigation.

- 1) Please send us the name and address of the appropriate individual in the agency of the Bahamas Government agency to which RCI was required to send this information or in the Federal Bureau of Investigation.
- 2) Please send us a copy of the official report of the theft by the then ship's Chief Security Officer, William MacLaughlin.

Here is a brief account which will explain why we are making this request of you.

While on a cruise aboard Royal Caribbean International *Empress of the Seas* (sailing date, May 29, 2004 from Bayonne, New Jersey), approximately \$7,000.00 worth of jewelry was stolen from our stateroom, 3020, on the evening of June 2nd and reported to the ship personnel on the morning of June 3rd when we discovered the jewelry was missing. The **enclosed signed, handwritten, statement** -- on a form given to us -- was filed with the ship's Chief Security Officer, William MacLaughlin, who conducted a search of our room with Chief Housekeeper Ann Marie. They did not find the jewelry, which was in a small satin turquoise jewelry pouch.

We were told by Luis Martins, Guest Relations Manager, that our statement and the Chief Security Officer's report about the cabin burglary were being forwarded to Royal Caribbean International in Miami and we should contact them upon returning home. We asked him for a copy of the Security Chief's report; he said he could not give that to us. He told us there was nothing he could do for us on the ship, but we shouldn't worry and should continue enjoying the cruise, because Royal Caribbean had a reputation for "doing the right thing".

We reported the burglary to Royal Caribbean Representative Betty Taillefer, Personal Property, Guest Relations, in Miami, on June 9th, the day after we arrived home. Pursuant to our phone conversation with her, in which she told us she had not received any papers from *Empress of the Seas*, we faxed her a detailed, written statement, including a copy of our shipboard statement along with evidence about ship security breaches before and after the theft and again faxed her additional information on June 29, 2004.

Ms. Betty Taillefer, sent us the enclosed form letter, dated June 30th, 2004 in which she dismissed company responsibility, officially referring to the theft as the "unfortunate incident". The letter referred us to the terms of the cruise documents. We are RCI file number #NE 05/29/04 BK3156907.

We then sent a letter to the President of Royal Caribbean International, Mr. Jack Williams on July 12, 2004 about this matter. He did not respond to the letter, but we received a second copy of Betty Taillefer's form letter, this time dated August 10th.

We reported the theft to the Federal Maritime Commission on August 4th, received a file number 04-A-6-642. Pearl Carr-Notice (202 523-5807), of the FMC informed us that the agency sought to act as an intermediary and work out solutions, but it had no coercive power to do so. On January 26, 2005 Ms. Carr-Notice said she contacted Betty Taillefer on January 25th and Ms. Taillefer referred her to the cruise documents. Ms. Carr-Notice told us she requested Ms. Taillefer to send her a copy of Security Chief MacLaughlin's report, but it has not been forthcoming and then Ms. Taillefer asserted, in a letter faxed to Ms. Carr-Notice, dated February 9, 2005: **"WE HAVE CONTACTED OUR VESSEL AND NO NOTICE OF INCIDENT WAS REPORTED ON BOARD."**

More than nine months after we reported the burglary to Ms. Taillefer of RCI, which included our handwritten statement on the RCI-generated form, she informed the Federal Maritime Commission that "no notice of incident was reported on board."

Thus we request you, as RCI Security Manager, to tell us the name and address of the appropriate individual in the agency of the Bahamas Government agency to whom RCI reported the theft or the name and address of the appropriate individual in the Federal Bureau of Investigation to whom RCI reported the theft, and, secondly, kindly send us a copy of the official report (of the investigation of the theft of jewelry from our cabin, etc.) by the then ship's Chief Security Officer, William MacLaughlin.

We await your response,



P.S. Why aren't all passenger-documented crimes (thefts and injuries, etc.) required to be reported? With the availability of the internet, we feel there should be a website for passengers and their travel agents to report documented thefts of any amount and crimes aboard ships in order to have reliable statistics available to potential cruise passengers.

We will be asking our congressional representatives for their help to create such a mechanism in order to protect citizens. This information should be on line for potential cruise line passengers (and their travel agents) to consider when choosing a ship or cruise line.

An example is ebay's feedback system.

Ira and Myrtle Leonard (b)(6), (b)(7)(C)
 Hamden, Ct 06518
 May 11, 2005

Captain Howard A. Newhoff,
 Security Manager,
 ROYAL CARIBBEAN INTERNATIONAL
 1050 Caribbean Way,
 Miami FL 33132

Dear Captain Newhoff:

Thank you for your response to our letter of April 20, 2005.

With commendable speed, Ms. Betty Taillefer called to inform us that RCI did not have to report the theft of \$7,000 worth of jewelry from our cabin on the evening of June 2, 2004 because it did not reach the \$10,000 threshold and followed it up, at our request, with a written statement, dated April 27, 2005.

As you are undoubtedly aware, the theft of \$7,000 is grand larceny in every jurisdiction in the United States and we plan to make a full report of this crime to the Bahamas Government, the FBI, and any other appropriate law enforcement agency. We believe thefts and crime should be reported and not be dismissed lightly. Since the crime was never officially reported by RCI to any law enforcement agency, there was, in effect, no crime perpetrated—this simply cannot stand.

1. Toward that end, I would like you to send us a copy of then Chief of Security William MacLaughlin's report of his investigation of the grand larceny scene, the cabin-lock recorder, and ship personnel after the theft happened which we will forward to the above mentioned agencies.

I am certain you and RCI want to cooperate with the reporting and investigation of the grand larceny perpetrated upon us while RCI "guests" on the Empress of the Seas. Not to do so might, in some quarters, be regarded as obstruction of justice.

2. NOW TO THE CENTRAL ISSUE WHICH RCI REFUSES TO DEAL WITH AND WHICH WILL SIMPLY NOT GO AWAY:

The burglary of our cabin and the grand larceny occurred due to negligence and security lapses by ship personnel and policies of RCI which we detailed and documented in statements to the ship's Chief Security Officer and which were all sent to Ms. Betty Taillefer in June 2004. This file, # NE 05/29/04 BK# 3156907, has been available to President Jack Williams (to whom we sent a letter to in July 2004 only to receive the second form letter from Ms. Betty Taillefer referring to "our unfortunate incident"), Vice President Adam Goldstein, and you.

Let us not forget that more than nine months after we reported the burglary, Ms. Betty Taillefer of RCI, informed Ms. Pearl Carr-Notice of the Federal Maritime Commission on February 9, 2005, "We have contacted our vessel and no notice of incident was reported on board."

An attorney in Florida examined the entire file and concluded that the ship personnel were "negligent," as did a Connecticut lawyer and several travel agents we consulted. He wrote to RCI President, Jack Williams with a copy to Adam M. Goldstein, Executive Vice President on November 30, 2004, detailing his reasons for the negligence characterization, and requested a response to our request for a settlement, precisely because of Royal Caribbean's "negligence" and the lack of ship-board security procedures. That letter, too, was ignored.

Since you may not have actually examined our RCI file, # NE 05/29/04 BK# 3156907, which includes our statements to Betty Taillefer of June 3, 2004, June 9, 2004, and June 29, 2004, here are the salient points:

SAFES

There was no safe in the room. Royal Caribbean's official Cruise Document said "most rooms" had safes. We found out most rooms did not and that was confirmed by Louis Martins, Guest Relations Manager. A passenger from Huntington, LI said she had called in advance of the sailing and was told her room would have a safe. It did not. In order to use the limited amount of safes in the Guest Relations area, one had to stand in the long guest relations line to have access. This was extremely inconvenient each time one wanted to change a piece of jewelry. Most of the passengers I talked to felt the same way. By the end of the trip, when word of the burglary got around, many passengers were carrying their jewelry around with them.

When I asked our steward about the safes, he said the room was secure because it could only be entered with the key cards. The steward said there were only three people with access to the room: my husband, me and himself.

MULTIPLE KEY CARDS

I was issued multiple key cards over a period of two days in order to have proper access to my stateroom.

A. The first key card was issued to me in Bayonne, N.J. as I was about to board the ship. This card didn't work and the steward sent me to Guest Relations. After standing in line for over a half hour, I turned in the card and received a new key card from Nadine.

B. When I later discovered the second key card didn't work, I returned to Guest Relations and waited in line another half hour. I was asked if I had changed rooms because the key card I had been given was for someone else's room in the 35 section of the ship (I was in the 30 section). I stated that I had not changed rooms. After some discussion between the two men on duty, I was given a new card and turned in the old key card.

C. I was successfully using the third card until I realized my husband's name was on the key card instead of mine and my name needed to be there in order for me to leave and board the ship. I returned to Guest Relations, stood in line for 18 minutes, turned in that card which worked, and received a fourth key card.

D. It took four key cards to have valid access to my room.

THE KEY CARDS CONTAIN THE ROOM NUMBERS AND SEATING TIME OF DINNER

The key cards had the last 3 digits (020) of our four digit room number (3020) on them as well as our dinner seating time of 8:30. Anyone with knowledge of the ship would know exactly when we would not be in our room and could try 3020, 4020, etc. On a previous cruise on *Enchantment of the Seas*, our key card had the whole room number on it. None of the key cards we returned were destroyed in front of us. Chief Security Officer MacLaughlin told us that they should have been destroyed in front of me. On the Saturday after the burglary, at approximately 3pm, I noticed a staff member in the Guest Relations area cutting up key cards into little pieces. Several other guests noticed it too.

THE KEY CARDS WITH ROOM NUMBERS ON THEM ARE ALSO USED AS CREDIT CARDS ON BOARD AND ARE HANDED OVER TO PERSONNEL WHO WALK OFF WITH THEM TO RECORD TRANSACTIONS.

On Monday, May 31st, we ordered drinks in the Schooner Lounge at 11 p.m., handing our key card to the waitress. When neither the drinks nor the card had arrived by 11:45, we went looking for her. She said she had asked another person to deliver our drinks. As a courtesy for the inconvenience, we were not charged for the drinks. However, there is a grave question of security here since the card with our room number was out of our presence for 45 minutes.

REPORTING THE BURGLARY

Even here, proper ship procedure was not followed by personnel. After discovering the theft, my husband and I spent two hours going through everything over and over as we did not want to make any false accusations. The steward helped us move furniture and turn over the mattresses. When we didn't find the missing pouch, the steward sent us up to Guest Relations to report it at approximately 11:45 am. Nadine, in Guest Relations, said we'd probably find it and if we didn't, she'd report it to security that evening. We told her we had been through everything over and over, but she insisted guests usually end up finding their missing things. When we returned to our cabin, the steward was very upset and said, "We can't wait 'til tonight. That's not proper procedure." He notified his supervisor, Cathy Munro, who came down and took some information and I filled out a form for her. We were arriving in Hamilton at this time (approximately 2pm). Because we booked a 2:30pm tour, we gave her permission to search our room with security personnel while we were not there. When we returned at 5:30 pm, the room had not been searched because the Chief Security Officer William MacLaughlin said we had to be there. Then the Chief Security Officer and Chief Housekeeper Ann Marie did the search. They both said the search should have been called for in the morning as soon as I reported the robbery.

We feel the incidents described above are signs of negligence and lack of concern for passenger security by Royal Caribbean. If we were given a key to someone else's room, how do we know someone wasn't given one to ours? The third key card that worked and contained our room and dinner information was not destroyed in front of us. What happened to it? What can happen when key cards are given to transact purchases and are out of sight of the passengers or "guests" as RCI likes to call us? Aside from the theft, what about the inconvenience we endured standing in lines because of staff negligence issuing 4 key cards to have valid access to our room? Another concern is if someone has access to the room to steal something, can they not come in and plant something--what kind of security is that? RCI officials Betty Taillefer, President Jack Williams and Executive Vice President Adam Goldstein refused even to discuss or take any responsibility for the conditions that made the jewelry theft or the "unfortunate incident" possible, as the Taillefer-RCI form letter refers to it.

We were told by Luis Martins, Guest Relations Manager, that our statement and the Chief Security Officer's report about the cabin burglary were being forwarded to Royal Caribbean International in Miami and we should contact them upon returning home. We asked him for a copy of the Security Chief's report; he said he could not give that to us. He told us there was nothing he could do for us on the ship, but we shouldn't worry and should continue enjoying the cruise, because Royal Caribbean had a reputation for "doing the right thing".

Then, more than nine months after we reported the burglary to Ms. Taillefer which included our handwritten statement on the RCI-generated form, she informed the Federal Maritime Commission on February 9, 2005 that "no notice of incident was reported on board." And this was followed by your news delivered by Ms Taillefer that the grand larceny was never reported by RCI to any law enforcement agency and the crime, in effect, never took place!

Most of these things happened to us while we were "guests" on board a Royal Caribbean International ship. Several other passengers have indicated they will confirm this account leading up to what Ms. Taillefer later characterized as "our unfortunate incident".

If RCI management and personnel knew that shipboard thefts are quite common—and what happened to us is not unusual – how, in good conscience, could RCI not provide clear, cautionary statements, in writing, about these dangers, in the CRUISE DOCUMENTS –which the company

relies upon to deflect responsibility for victimizations while on board. If RCI knew but did not say, it is an unconscionable way to do business.

Had we known about the frequency of shipboard thefts, how RCI would treat us, and that grand larcenies of less than \$10,000 were not considered criminal acts and reported to law enforcement agencies, we never have carried any jewelry aboard the *Empress of the Seas*.

Indeed, We probably would not have booked on Royal Caribbean International.

If, however, the grand larceny perpetrated upon us while on an RCI ship is very unusual—an unforeseeable convergence of unpredictable events — then why is RCI so adamant about not “doing the right thing”?

3. The shipboard breaches of security could have enabled smugglers to deposit contraband of varying kinds in our cabin prior to our entering the New York City-Bayonne, New Jersey port facilities. To repeat: if someone has access to the room to steal something, can they not come in and plant something—what kind of security is that?

4. In addition to sending us the information requested above, we ask you to persuade the RCI powers that be to do the “right thing” and compensate us for our loss, do whatever is possible to ensure that such security breaches cannot reoccur, and determine to treat RCI “guests” they way they expect to be treated.

With the availability of the internet, we feel there should be a website for passengers (and travel agents) to report documented thefts of any amount and crimes aboard ships and will be asking our congressional representatives for their help to create such a mechanism in order to protect citizens. This information should be on line for potential cruise line passengers (and travel agents) to consider when choosing a ship, or cruise line.

Sincerely yours,





Royal Caribbean International
1050 Caribbean Way
Miami, FL 33132

tel. 305.539.6000
www.royalcaribbean.com

April 27, 2005

Ira & Myrtle Leonard
[REDACTED]
Hamden, CT 06518

RE: NE Bk # 3156907 S/D 05/29/04

Dear Guests:

As per our conversation of today, I have explained that we are not required to report alleged thefts with a value less than 10 k.

Although we genuinely sympathize with you for your loss, we regret we are unable to compensate you for your personal items. All claims are evaluated according to your Passenger Ticket Contract, which we suggest you review for further clarification.

If you have not done so already we suggest you consider submitting your claim to your travel or private insurers for consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Betty Taillefer".
Betty Taillefer
Personal Property
Guest Claims

Ira M. and Myrtle S. Leonard (REDACTED)
 Hamden, Ct 06518
 May 11, 2005

Robert L Darbeinet, President and CEO, AAA
 1000 AAA Drive
 Heathrow, FL 32746

Dear Mr. Darbeinet:

As we are about to commemorate the anniversary of our shipboard theft, last June, we decided one last time to try and reason with AAA.

But first, here is the most recent Royal Caribbean International display of contempt for its "guests".

On April 20, 2005 we sent the following request to Captain Howard Newhoff, RCI Security Manager about the theft of \$7,000 dollars of jewelry from our Empress of the Seas' cabin in June 2004.

Please send us the name and address of the appropriate individual in the agency of the Bahamas Government agency to which RCI was required to send this information or in the Federal Bureau of Investigation.

Please send us a copy of the official report of the theft by the then ship's Chief Security Officer, William MacLaughlin.

A week later, RCI's Betty Taillefer called to inform us that RCI (and other cruise lines using American ports as well?) *do not have to report thefts below \$10,000 to any law enforcement agency!* We asked for her comments in writing and you have a copy.

~~Since RCI never reported the grand larceny on its cruise ship to any law enforcement agency, there was, in effect, no crime perpetrated—this simply cannot stand!~~

According to Ms. Taillefer's several form letters, RCI not only has washed its hands of a grand larceny perpetrated upon two of its ship's "guests," but still suggests we go elsewhere to make it right

We wonder: Had we bought the AAA Travel Insurance offered when we booked, would our under \$10,000 theft have been covered—or that of any AAA member on a cruise?

Were you aware of this \$10,000 theft threshold when we wrote you on March 19, 2005 or when we responded on April 19, 2005 to Karen Dunn's e-mail, with hard copies to you and Mr. Sutherland?

Had we known about the frequency of shipboard thefts, the lack of a sense of responsibility by RCI, and that grand larcenies of less than \$10,000 were never reported to law enforcement agencies, we would never have carried any jewelry aboard the *Empress of the Seas*.

None of this was made clear when we booked with AAA.

We wonder:

Did AAA management and personnel know that shipboard thefts are quite common and that the cruise lines would deny any responsibility when the security broke down? If AAA management and personnel knew, how, in good conscience, could AAA not provide clear, cautionary statements, in writing, about these dangers, before it books its members on cruises or in the materials accompanying the CRUISE DOCUMENTS? If AAA knew but did not say, it is an unconscionable way to do business.

If, however, the grand larceny perpetrated upon us while on an RCI ship is very unusual, then why is AAA seemingly so reluctant to intercede on our behalf with RCI?

Here is part of the letter we *just* sent to Captain Howard Newhoff, RCI Security Manager:

"As you are undoubtedly aware, the theft of \$7,000 is grand larceny in every jurisdiction in the United States and we plan to make a full report of this crime to the Bahamas Government, the FBI, and any other appropriate law enforcement agency since there might be some possibility that the jewelry might be found and the criminals captured. Since the crime was never officially reported by RCI to any law enforcement agency, there was, in effect, no grand larceny perpetrated—this simply cannot stand!

"Toward that end, I would like you to send me a copy of then Chief of Security William MacLaughlin's report of his investigation of the grand larceny scene, the cabin-lock recorder, and ship personnel after the theft happened which we will forward to the above mentioned agencies.

"I am certain you and RCI want to cooperate with the reporting and investigation of the grand larceny perpetrated upon two RCI "guests" while on the *Empress of the Seas*. Not to do so might, in some quarters, be regarded as obstruction of justice."

NOW TO THE CENTRAL ISSUE WHICH AAA AND RCI REFUSE TO DEAL WITH BUT SIMPLY WILL NOT GO AWAY:

As we have repeatedly told you, the burglary of our cabin and the grand larceny occurred because of negligence and security lapses by ship personnel and policies of RCI which we detailed and documented in statements to the ship's Chief Security Officer and which were all sent to Ms. Betty Taillefer in June 2004. This file (RCI file, # NE 05/29/04 BK# 315690) has been available to President Jack Williams (to whom we sent a letter to in July 2004 only to receive the second form letter from Ms. Betty Taillefer referring to "our unfortunate incident" (because the RCI Cruise Document made it possible to disclaim responsibility), and RCI Vice President Adam Goldstein.

An attorney in Florida examined the entire file and concluded that the ship personnel were "negligent" (and because of the RCI Cruise Document we would stand virtually no chance trying to take on RCI in Florida), as did a Connecticut lawyer and several travel agents we consulted. He wrote to RCI President, Jack Williams with a copy to Adam M. Goldstein, Executive Vice President on November 30, 2004, detailing his reasons for the negligence characterization and requested a response to our request for a settlement because of Royal Caribbean's "negligence" and the lack of ship-board security procedures. That letter, too, was ignored. (Let us not forget that more than nine months after we reported the burglary, Ms. Betty Taillefer of RCI, informed Ms. Pearl Carr-Notice of the Federal Maritime Commission on February 9, 2005, "We have contacted our vessel and no notice of incident was reported on board."

Virtually all of this information was sent to you, Mr. Darbeinet, on March 19, 2005 —and we specifically requested you to follow this up with RCI. What we got was Mr. John E. Martin's sorry-AAA-booked-you-

on- RCI-but-AAA-can-do-nothing-about-it letter. AAA with millions of members and which books thousands (?) of them on RCI cruises can do nothing, said Mr. Martin, because RCI considers the case "closed." Mr. Darbeinet, that was precisely why we wrote to you in the first place.

For the last time, here are the salient details. *How do you think these details might be regarded by objective observers?*

SAFES

There was no safe in the room. Royal Caribbean's constantly referred-to official Cruise Document said "most rooms" had safes. We found out most rooms did not and that was confirmed by Louis Martins, Guest Relations Manager. A passenger from Huntington, LI said she had called in advance of the sailing and was told her room would have a safe. It did not. In order to use the limited amount of safes in the Guest Relations area, one had to stand in the long guest relations line to have access. This was extremely inconvenient each time one wanted to change a piece of jewelry. Most of the passengers I talked to felt the same way. By the end of the trip, when word of the burglary got around, many passengers were carrying their jewelry around with them.

When I asked our steward about the safes, he said the room was secure because it could only be entered with the key cards. The steward said there were only three people with access to the room: my husband, me and himself.

MULTIPLE KEY CARDS

I was issued multiple key cards over a period of two days in order to have proper access to my stateroom.

A. The first key card was issued to me in Bayonne, N.J. as I was about to board the ship. This card didn't work and the steward sent me to Guest Relations. After standing in line for over a half hour, I turned in the card and received a new key card from Nadine.

B. When I later discovered the second key card didn't work, I returned to Guest Relations and waited in line another half hour. I was asked if I had changed rooms because the key card I had been given was for someone else's room in the 35 section of the ship (I was in the 30 section). I stated that I had not changed rooms. After some discussion between the two men on duty, I was given a new card and turned in the old key card.

C. I was successfully using the third card until I realized my husband's name was on the key card instead of mine and my name needed to be there in order for me to leave and board the ship. I returned to Guest Relations, stood in line for 18 minutes, turned in that card which worked, and received a fourth key card.

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THE KEY CARDS CONTAIN THE ROOM NUMBERS AND SEATING TIME OF DINNER

The key cards had the last 3 digits (020) of our four digit room number (3020) on them as well as our dinner seating time of 8:30. Anyone with knowledge of the ship would know exactly when we would not be in our room and could try 3020, 4020, etc. On a previous cruise on Enchantment of the Seas, our key card had the whole room number on it. None of the key cards we returned were destroyed in front of us. Chief Security Officer MacLaughlin told us that they should have been destroyed in front of me. On the Saturday after the burglary, at approximately 3pm, I noticed a staff member in the Guest Relations area cutting up key cards into little pieces. Several other guests noticed it too.

THE KEY CARDS WITH ROOM NUMBERS ON THEM ARE ALSO USED AS CREDIT CARDS ON BOARD AND ARE HANDED OVER TO PERSONNEL WHO WALK OFF WITH THEM TO RECORD TRANSACTIONS.

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REPORTING THE BURGLARY

Even here, proper ship procedure was not followed by personnel. After discovering the theft, my husband and I spent two hours going through everything over and over as we did not want to make any false accusations. The steward helped us move furniture and turn over the mattresses. When we didn't find the missing pouch, the steward sent us up to Guest Relations to report it at approximately 11:45 am. Nadine, in Guest Relations, said we'd probably find it and if we didn't, she'd report it to security that evening. We told her we had been through everything over and over, but she insisted guests usually end up finding their missing things. When we returned to our cabin, the steward was very upset and said, "We can't wait 'til tonight. That's not proper procedure." He notified his supervisor, Cathy Munro, who came down and took some information and I filled out a form for her. We were arriving in Hamilton at this time (approximately 2pm). Because we booked a 2:30pm tour, we gave her permission to search our room with security personnel while we were not there. When we returned at 5:30 pm, the room had not been searched because the Chief Security Officer William MacLaughlin said we had to be there. Then the Chief Security Officer and Chief Housekeeper Ann Marie did the search. They both said the search should have been called for in the morning as soon as I reported the robbery.

We were told by Luis Martins, Guest Relations Manager, that our statement and the Chief Security Officer's report about the cabin burglary were being forwarded to Royal Caribbean International in Miami and we should contact them upon returning home. We asked him for a copy of the Security Chief's report; he said he could not give that to us. He told us there was nothing he could do for us on the ship, but we shouldn't worry and should continue enjoying the cruise, because Royal Caribbean had a reputation for "doing the right thing".

We feel the incidents described above are signs of negligence and lack of concern for passenger security by Royal Caribbean. If we were given a key to someone else's room, how do we know someone wasn't given one to ours? The third key card that worked and contained our room and dinner information was not destroyed in front of us. What happened to it? What can happen when key cards are given to transact purchases and are out of sight of the passengers or "guests" as RCI likes to call us? Aside from the theft, what about the inconvenience we endured standing in lines because of staff negligence issuing 4 key cards to have valid access to our room? Another concern is if someone has access to the room to steal something, can they not come in and plant something—what kind of security is that? RCI officials Betty Taillefer, President Jack Williams and Executive Vice President Adam Goldstein refused even to discuss or take any responsibility for the conditions that made the jewelry theft or the "unfortunate incident," as they refer to it, possible.

All of these things happened to us while we were "guests" of Royal Caribbean International. Several other passengers have indicated they will confirm our account of the events leading up to what Ms. Taillefer later characterized as "our unfortunate incident".

A travel agent we recently met while attending a wedding in DC, upon hearing our story, immediately suggested we send this information to *Travel Weekly*, of which he gave us a copy. He felt most travel agents would not want to book their clients into our situation, especially with *multiple key cards*, etc. and then be treated so "contemptuously by the parent company" (his words).

Lastly, the shipboard breaches of security could have enabled smugglers to deposit contraband of varying kinds in our cabin prior to our entering the New York City-Bayonne, New Jersey port facilities. To repeat: if someone has access to the room to steal something, can they not come in and plant something—what kind of security is that? This represents a potential threat of significant proportions.

ALL WE ASK OF AAA, OF YOU MR. DARBEINET AND NATIONAL AAA MANAGEMENT, IS TO

- 1) PERSUADE RCI TO DO THE "RIGHT THING" FOR US;
- 2) PERSUADE RCI TO CORRECT ITS METHODS OF DEALING WITH VICTIMIZED "GUESTS;" AND,
- 3) PERSUADE RCI TO SOLVE THE SHIPBOARD SECURITY PROBLEMS WE ENCOUNTERED, IN THE INTEREST OF FUTURE AAA-BOOKED MEMBERS AND OTHERS ON RCI CRUISES.

We have repeatedly informed you of the security and other problems we encountered as guests booked by AAA on Royal Caribbean International cruise line, which is now part of our file.

Sincerely yours,



Cc: Karen Dunn, Coordinator, AAA National Member Relations
William Sutherland, Vice President, Travel
John E. Martin, Southern New England AAA Director of Member Relations

P.S:

Why aren't all passenger-documented crimes (thefts and injuries, etc.) required to be reported? With the availability of the internet, we feel there should be a website for passengers and their travel agents to report documented thefts of any amount and crimes aboard ships in order to have reliable statistics available to potential cruise passengers.

We will be asking our congressional representatives for their help to create such a mechanism in order to protect citizens. This information should be on line for potential cruise line passengers (and their travel agents) to consider when choosing a ship or cruise line.

An example is ebay's feedback system.

December 10, 2005

Dear Congressmen:

My name is Brett Rivkind. I am a Maritime attorney in Miami, Florida. I have been practicing Maritime Personal Injury and Wrongful Death litigation since 1983. Initially, upon my graduation from law school, I worked for a defense firm, defending cruise lines in personal injury actions. After a few years, I decided to do Plaintiff's work, and I have been pursuing actions against cruise line companies ever since, which involve Personal Injuries, Wrongful Death, including sexual assaults aboard cruise ships.

As everyone knows, there has been increasing awareness and attention to the number of sexual assaults that have been reported aboard cruise ships. Unfortunately, over my career, I have never seen any requirements of keeping reliable data concerning the number of sexual assaults, or reported criminal activity, aboard cruise ships. I believe the cruise ships have reported that they do not maintain statistics regarding the number of reported sexual assaults, or other criminal activity aboard their cruise ships, nor are any reliable data maintained concerning the number of passengers who have been reported missing from a cruise.

Currently, I am the attorney for the parents of George A. Smith IV, who disappeared on his honeymoon cruise. I understand that Congressman, Christopher Shays, has been very involved in this matter and has spearheaded the hearings, which will address cruise ship safety. I applaud the efforts to set up such hearings, and I can only hope strongly that Congress will give the necessary attention to what I perceive to be a real problem, that needs to be looked at very closely, and not brushed over by the cruise lines attempting to portray criminal activity aboard their cruise ships as not a problem. The cruise line industry obviously has, through the media, attempted to portray their industry as a very safe industry, with very few incidents per year aboard their cruise ships. Civil lawyers, such as myself, have been successful to some extent, through discovery, to develop the number of reported sexual assaults, at least that have been identified either because the victim has retained a civil lawyer, or the matter has received some type of public attention. As the civil lawyers developed this information, it caught the media's attention, and there has been increasing awareness about criminal activity aboard cruise

ships. The subject has resulted in many articles, and also has resulted in changes aboard cruise ships. I am a believer that the Civil Justice System is an essential tool for our society to identify problems with large corporations, and to hold them in check, and hold them accountable. To some extent, although not clearly not enough, the Civil Maritime attorneys have made some progress with creating public awareness as to the extent of criminal activity aboard cruise ships, and to some extent have caused positive changes to be made in the industry. More is needed though.

The case of George Allen Smith IV is, beside a tragic incident, one that often results in positive change.

His case has received national attention, and obviously has caught the attention of Congress, who has now scheduled hearings to address cruise ship safety. One main problem is the lack of public awareness as to the extent of criminal activity aboard cruise ships. I sincerely believe that over the 22 years I have been practicing Maritime Law that the cruise ship industry has actively focused on their public image, down playing the extent of criminal activity aboard the cruise ships, even to the extent of attempting to cover up certain incidents aboard their ships. Over the years, I have worked with FBI officials in cases that I have handled, and the feedback received, even though most likely "off the record", was that it was very difficult for them to get cooperation from the cruise lines, and they were very frustrated by the difficulty in obtaining meaningful discovery, and in the difficulty in identifying the number of incidents that occur aboard the cruise ships. Over the years, I also dealt with a lady who was in charge of the rape treatment center here at Jackson Memorial Hospital, Miami, Florida, where most of the cruise lines are based. She had reported to me that she did not know why the problem of sexual assaults aboard cruise ships was not addressed because she felt that there was an alarming number of cases reported to the Rape Treatment Center on a weekly basis, involving cruise ships.

With all this said, I applaud Congress for setting these hearings, but must express to you my concern about the hearings. I have been informed that there will be no attorneys who regularly sue the cruise line companies for sexual assaults or other types of criminal activity who will get to speak. The victims nor their families, will not get to speak, including the Smith family. One of the organizations that will be permitted to speak is the International Counsel of Cruise Lines, and Michael Crye, who will speak. It is well known to all of us that the International Counsel of Cruise Lines is simply an organization of cruise line companies, that have been formed to jointly work together, to maintain a positive image for the cruise ship industry. The cruise ship industry cannot afford bad publicity. It has been my experience over the years that this organization acts as the spokesperson for the different cruise line companies in any type of issue out in the public that may impact either their profits or their public image. For example, in the case involving George A. Smith IV, Michael Crye, of the International Counsel of Cruise Lines, was quoted soon after the George A. Smith IV was reported as missing, saying what can the cruise line industry do if a passenger chooses to harm himself. We believe that the cruise line, as well as their representative, the International Counsel of Cruise Lines, immediately tried to get out into the public and convey information to suggest that

the disappearance of George A. Smith IV was simply an unfortunate accident aboard their cruise ship, which in no way involved any fault on their part, nor were there any circumstances to raise concern among the public about the safety of a cruise ship. We have learned that when those statements were made the cruise line company had reason to suspect that criminal activity may have played a part in George A. Smith IV's disappearance. While we feel strongly that criminal activity resulted in the death of George A. Smith IV, giving the cruise line any benefit of the doubt, based on the information they knew from the beginning, it had to be at least a possible consideration that a crime had occurred. Yet, the International Counsel of Cruise Lines was speaking out immediately, as was the spokesperson for Royal Caribbean Cruise Lines, suggesting George A. Smith IV just simply suffered an unfortunate accident aboard the cruise ship, as others had, but nothing to alarm the public.

Therefore, you are having a representative of the International Counsel of Cruise Lines speak to you who is a paid lobbyist on behalf of the cruise line company. My concern, without in any way suggesting that this panel will follow suit, or that Congress will not give this the serious consideration it deserves, is that the cruise line industry has proven to be a very powerful force with Congress. Over the 22 years that I have practiced, I have seen nothing but rights of individuals either taken away, or restricted, in cases involving cruise line companies. The cruise lines did not like the fact that Maritime Law held them liable for the negligence of doctors they sent their crewmembers to. Although there are no limitations in the recovery of damages that a crewmember can recover against a cruise line company, including claims by a crewmember for negligent medical treatment, the cruise lines sought limitations in such cases where the negligence alleged by the crewmember was that a shoreside doctor committed the negligence. To simplify this, a shipowner must give medical care to a crewmember. If the shipowner gives the medical care by sending the crewmember to a doctor on land, for example when a specialist is needed, and that doctor on land is negligent, the crewmember can sue the shipowner for that negligence. The crewmember does not have to sue the doctor.

What happened? A crewmember was treated shoreside by a doctor who committed malpractice, leaving the crewmember in a persistent vegetative state. The crewmember was a young 32-year-old female. I will never forget the case. It was one of the saddest cases I worked with. The shoreside doctor committed malpractice, which contributed to the patient ending up in a vegetative state. A large verdict was obtained on behalf of the 32-year-old female nurse. Since there was no limitation damages, the crewmember recovered the full award from the cruise line company. The cruise line company tried to get the money back from the doctor in California. However, the doctor in California had the benefit of a cap on intangible damages that applied in the State of California. Therefore, the cruise line could not recover the full amount of the money it had paid the crewmember from the doctor who committed the malpractice. What did the cruise line do? They went to Congress and were successful in passing legislation that granted them a limitation in such case to coincide with the limitation of the shoreside doctor. Therefore, although the crewmember, under Maritime Law, is not subject to any limitations or caps on damages, the cruise line was successful in getting the change from

Congress, limiting the damages available to a crewmember if the malpractice is committed by a shoreside doctor who has a cap on damages in his particular state.

The cruise line has consistently sought legislation to deny them the ability to be sued by foreign crewmembers, even though the Supreme Court of the United States declared that foreign crewmembers can sue the cruise ship companies in the United States, despite the foreign flag vessel, and despite the fact that the companies incorporate in foreign countries, as long as the cruise line company has a base of operations in the United States. The cruise line was very close to having such legislation pass. It passed through the Senate or the House, and then the Bill eventually was “killed” when opposition to the Bill focused on possible taxation of the cruise line industry.

The cruise lines have obtained other concessions in Congress involving liability for Personal Injury actions. There are seeking limitations on liability for intentional torts by their crew.

Recently, Congress granted an exception to the limit, in a Wrongful Death Action on the high seas, to recovery of pecuniary damages only. Under the death on the high seas act, the survivors entitled to recover are limited to recovering pecuniary losses, and are denied recovery of non-pecuniary losses. We consider this to be an extremely unfair restriction on recovery of damages for Wrongful Death, which is the subject of another day. However, Congress apparently agreed to some extent, because now there is an exception to the limitation to pecuniary damages, which permits recovery of non-pecuniary damages by survivors of somebody who is killed in an airplane crash. For some peculiar reason, Congress would not grant the similar exception to survivors of someone who is killed on a cruise ship. There does not seem to be any rational distinction between someone killed on an airplane, and someone killed aboard a cruise ship. Yet, the cruise line was successful in keeping their industry out of this exception.

In sum, I point out these matters, because I hope that I can share with you my 22 years of experience litigating solely cases in the Maritime field, almost exclusively involving the cruise line industry. I have seen an increasing number of criminal activity aboard the ships, and an increasing number of sexual assaults, and an increasing number of people reported missing. I have seen numerous accounts of attempted cover-ups, withholding information, and failure to timely report criminal activity, all resulting in failed investigations of criminal activity aboard cruise ships. I read somewhere that despite the number of reported criminal activity aboard Royal Caribbean Cruise Line ships, there has never been a successful conviction against an alleged assailant. My experience suggests the FBI acts behind the eight ball a lot when they are finally called in regarding a particular matter. I would be interested in the Smith case, to know, when the cruise line did contact the FBI, and exactly what information was given to the FBI when the cruise line initially contacted them. If the FBI knew blood was found inside the cabin, blood was found on the balcony, blood was found on an overhang below the balcony, and a passenger in the cabin next door had reported loud noises and struggling inside the cabin, would that cause a different type of reaction than what occurred in this particular case? If not, then we need change.

Congress should be aware that the first "authorities" who got involved in doing any type of investigation were the Turkish authorities in this case. As this Congress probably knows, Royal Caribbean Cruise Lines is incorporated in Liberia, and the Brilliance of the Seas cruise ship flies a Bahamian flag. The passenger involved, George A. Smith IV, is an American. I am not trying to cast any negative conclusions on the Turkish authorities. But one must question the real incentive the Turkish authorities have to properly investigate what appears to have been a crime aboard the Brilliance of the Seas involving an American. If one were to view the video recording of one of the interviews of a key witness in this matter, one would conclude that there was not much of an investigation done by the Turkish authorities. The cruise ship remained in the Turkish port only for several hours. The Turkish authorities reported that they were rushed off the ship so that the ship could sail as scheduled. The company allowed passengers to come and go while the ship was in port, despite the fact that there may have been material evidence and witnesses onboard the ship at that time, who were permitted to freely come and go, and remove anything from the cruise ship that they wanted to. Several material witnesses were not interviewed immediately, some even months after had not been interviewed at all. The cruise line claims they promptly investigated. They investigated the incident by sending their local Miami counsel who represents them in civil lawsuits to the ship, who interviewed potential witnesses, giving them the freedom of when to reduce such statements to writing, what to actually place in any written statements, giving them the freedom of who to interview, and who not to interview. Of course, counsel for the cruise lines are a civil defense law firm, who has no business conducting a criminal investigation, or getting involved in one prior to the authorities doing a very thorough investigation.

I hope all of the above has been helpful to some extent. Again, I have been doing this for more than 22 years, and feel that something needs to be done, and I hope that hearing testimony from the cruise lines paid lobbyist will not be the end. I hope there will be continued hearings, and a spotlight put on the cruise line industry, even if it affects their public image, which I know they will fight hard to protect at this time and in the months and years to come.

Thank you very much for listening to me.

Sincerely yours,

RIVKIND PEDRAZA & MARGULIES, P.A.

BRETT RIVKIND, ESQ.

BR:lg

[REDACTED]

From: Law Offices of Luis A. Perez, PA ([REDACTED])
Sent: Monday, December 12, 2005 5:27 PM
To: [REDACTED]
Subject: Royal Caribbean Cruises (missing crewmember)

On March 16, 2005 Symon Dias was working for Royal Caribbean aboard their cruise ship "Majesty of the Seas" when he was reported missing, and disappeared without a trace. The cruise line, ship's captain, officers and crew breached their duty, under longstanding admiralty law, to conduct a search or rescue of this missing crewmember.

Mr. Dias was from India and was employed as a stateroom attendant. His mother and father, Maria L. Dias and Natividade Dias engaged in a futile letter writing campaign to Royal Caribbean to try and get some answers as to their son's disappearance. They wrote letters to Jack Williams, the president of Royal Caribbean, Richard Fain, managing director, several people at the human resources and risk management department. Their pleas for any information as to their son's disappearance were ignored adding to the tragedy of their son's shocking disappearance.

Mr. Dias was only 30 years old, by all accounts was a conscientious employee and enjoyed his work which he depended upon to support his family and himself.

The Law Offices of Luis A. Perez, P.A. filed a \$10,000,000.00 lawsuit against Royal Caribbean in Miami, Dade County, Florida on December 12, 2005 for Royal Caribbean's negligence and breach of the maritime duty to conduct a search for Symon Dias once they learned he was missing. (*Maria L. Dias and Natividade Dias, as Parents and next friends of Symon Dias, missing and presumed dead v. Royal Caribbean Cruises, Ltd.*, case number 05-24292 CA 32.)

Please make this part of the record during the subcommittee hearings on the issue of cruise ship safety.

If you need any further information, please feel free to contact us.

Luis A. Perez
 Law Offices of Luis A. Perez, P.A.
 100 N. Biscayne Boulevard, Suite 2800
 Miami, FL 33132
 (305) 577-0063 (phone)
 (305) 577-4445

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12/12/2005

Mr. SHAYS. Their statements are also available to the press, and before swearing in our witnesses, I want to say that we considered having the families open up this hearing and some of the families were willing to do it and some were wondering if it was what they wanted to do at this time. We will have another hearing in which all family members will participate. We thought we would make this a more generic or more macro hearing, not on particular cases right now, and then we would decide how we would determine what hearings to have in the future, and there will be other hearings that will follow this one.

At this time we will swear in our witnesses, and first let me acknowledge them: Mr. Chris Swecker, Assistant Director, Criminal Investigation Division, the Federal Bureau of Investigation [FBI]; Rear Admiral Wayne Justice, Director for Operations Policy, U.S. Coast Guard, accompanied by Rear Admiral John Crowley, Judge Advocate General, U.S. Coast Guard; and another statement or a third statement submitted by Rear Admiral James McPherson, Judge Advocate General for the U.S. Navy.

Gentlemen, as you know, this is an investigative committee and we swear in all of our witnesses, and I would ask you to rise.

[Witnesses sworn.]

Mr. SHAYS. Note for the record all our witnesses responded in the affirmative, and I am going to give the chair to Mr. Souder, who will take care of chairing.

Mr. SOUDER [presiding]. Thank you very much.

Mr. Swecker, you will have the opening statement.

STATEMENTS OF CHRIS SWECKER, ASSISTANT DIRECTOR, CRIMINAL INVESTIGATION DIVISION, FEDERAL BUREAU OF INVESTIGATION; REAR ADMIRAL WAYNE JUSTICE, DIRECTOR OF OPERATIONS POLICY, U.S. COAST GUARD, ACCOMPANIED BY REAR ADMIRAL JOHN CROWLEY, JUDGE ADVOCATE GENERAL, U.S. COAST GUARD; AND REAR ADMIRAL JAMES E. McPHERSON, JUDGE ADVOCATE GENERAL, U.S. NAVY

STATEMENT OF CHRIS SWECKER

Mr. SWECKER. Good afternoon, Chairman Shays, Chairman Souder, ranking members, and members of the subcommittees. We appreciate the opportunity to come before you today.

As you know, approximately 10 million Americans are expected to travel abroad this year on vessels that navigate international waters. As a matter of course, some of them will become victims of a crime. The FBI's ability to assist our fellow Americans who may fall victim to crime in international waters will be affected by a variety of factors, including the type of crime that was committed, where the ship was when it was committed, where the ship departed, where it arrives, and under which nation's laws the ship is registered, the nationality of the subject or victim, the laws of other affected countries, international law, and the United States' relationship with other affected countries.

Over the last 5 years, the FBI opened 305 cases of crime on the high seas. Sexual and physical assaults on cruise ships were the leading maritime crimes reported to and investigated by the FBI,

at 45 and 22 percent, respectively. Missing persons cases comprised 10 percent of cases opened, and death investigations comprised 8 percent. Recently, incidents of piracy have been increasingly common in some parts of the world, the most recent, of course, being the attack on the cruise ship containing U.S. citizens off the coast of Somalia in November 2005.

Missing persons cases are more sporadic in nature, and, unfortunately, in 75 percent of these cases, a body is never found. Most deaths reported occur on commercial ships. Death investigations are less common on cruise ships and private vessels.

Because these offenses occur in international waters and involve the citizens or interests of other countries, the exercise of the U.S. special maritime and territorial jurisdiction will encroach to some degree on the interests and sovereignty of another nation. Therefore, our diplomatic relations with other involved countries, the existence and applicability of any treaties with these countries, and the extent to which we are ultimately dependent upon another country's mutual cooperation and assistance will often determine the actual extent of U.S. authority to investigate and prosecute U.S. extraterritorial offenses against U.S. citizens.

The principal law under which the U.S. exercises its special maritime and territorial jurisdiction is set forth in Section 7 of Title 18 of the U.S. Code. Under this statute, the United States has jurisdiction over crimes committed on a ship if: the ship, regardless of flag, is a U.S.-owned vessel, either in whole or in part, regardless of the nationality of the victim or the perpetrator; or the crime occurs in the U.S. territorial sea, within 12 miles of the coast, regardless of the nationality of the vessel, the victim, or the perpetrator; or the victim or perpetrator is a U.S. national on any vessel that departed from or will arrive in a U.S. port.

The most important point to emphasize in these matters is that in all cases of suspected criminal activity or terrorism, the FBI should be contacted by the ship's personnel or passengers, regardless of potential jurisdictional issues. The FBI now has approximately 59 legal attache offices around the globe. These offices have developed close working relationships with our international law enforcement partners to assist in these investigations, and the number of these legal attache offices will continue to grow in the coming years.

As in any other matter, the FBI will first determine if we have jurisdiction to investigate the matter and, if so, what assistance we will require from other U.S. or foreign law enforcement authorities. If the vessel has docked or will be docking in a U.S. port, FBI agents will be able to conduct the investigation in much the same manner as in any other investigation. If the vessel has docked or will be docking in a foreign port, the FBI Legat office will work with and assist foreign authorities to the greatest extent possible to protect U.S. citizens and interests. They will not, however, be able to conduct an investigation as if they were on U.S. soil. In many cases, they will have to depend on the cooperation of foreign authorities, who will actually conduct the investigation. However, other countries may allow us to take a more active role in the investigations. In general, most countries are cooperative and work

with us to develop evidence, to provide that evidence to us, and to assist our efforts to prosecute appropriate cases in U.S. courts.

As in any other investigation, the FBI will attempt to conduct, or to have conducted, any necessary investigation and preserve any potential evidence as soon as it is practically possible or reasonable. The FBI will attempt to board vessels prior to their docking or immediately upon their arrival in port to begin an investigation, if that is reasonable and practical. We will directly, or indirectly in cooperation with foreign counterparts, conduct all interviews, collect all evidence, and where appropriate, seek the indictment and prosecution of the case in U.S. courts.

If the crime occurs within the reach of the U.S. Coast Guard, we work together to address any criminal threat. The key to this successful relationship has been and continues to be effective communication, intelligence sharing, coordination, and cooperation.

I would like to give you a quick overview of the FBI's roles and responsibilities under the National Strategy for Maritime Security and the Maritime Operational Threat Response Plan.

The FBI's maritime responsibilities have not changed as a result of the MOTR plan. However, in response to the President's National Strategy for Maritime Security, we have initiated a maritime security program to prevent, disrupt, and defeat criminal acts of terrorism directed against maritime assets and provide counterterrorism preparedness, leadership, and assistance to Federal, State, and local agencies responsible for maritime security. The FBI currently has approximately 82 maritime liaison agents assigned to those field offices that have active commercial ports. The MLAs interact with private industry, State and local port authorities, to include law enforcement and other Federal agencies with maritime responsibilities, such as the Coast Guard. MLAs are assigned to Joint Terrorism Task Force squads in the field, and their ranks include special agents of the FBI, Coast Guard Investigative Service, Naval Criminal Investigative Service, as well as officers from local port authority and police departments.

Chairmen and members of the subcommittees, thank you again for the opportunity to testify today, and I am not sure if we have time limits, but I am sure I am probably pushing mine right now. So thank you.

[The prepared statement of Mr. Swecker follows:]

**Statement of
Chris Swecker
Assistant Director, Federal Bureau of Investigation
Before the House Committee on Government Reform
Subcommittee on National Security, Emerging Threats and
International Relations and Subcommittee on Criminal Justice, Drug
Policy and Human Resources
December 13, 2005**

Good morning Chairman Shays, Chairman Souder, Ranking Member Kucinich, Ranking Member Cummings and Members of the Committee. I appreciate the opportunity to be here today to discuss the FBI's role in addressing criminal threats to American citizens traveling outside U.S. territorial waters.

As you know, approximately 10 million Americans are expected to travel abroad this year on vessels that navigate international waters. As a matter of course, some of them will become victims of a crime. The FBI's ability to assist our fellow Americans who may fall victim to crime in international waters will be affected by a variety of factors, including the type of crime that was committed, where the ship was when it was committed, where the ship departed, where the ship will arrive, under which nation's laws the ship is registered, the nationality of the subject or victim, the laws of other affected countries, international law, and the United States' relationship with other affected countries.

What Types of Threats and Crimes on the High Seas Does the FBI See?

First, let me give you a brief summary of the various crimes on the high seas that the FBI has responded to and investigated over the last five years. From FY 2000 through June of 2005, the FBI opened 305 cases of crime on the high seas. Sexual and physical assaults on cruise ships were the leading crime reported to and investigated by

the FBI on the high seas over the last five years, at 45 percent and 22 percent respectively. Missing persons cases comprised 10 percent of cases opened, and death investigations comprised 8 percent. Recently, incidents of piracy have been increasingly common in some parts of the world, the most recent being the attack on a cruise ship containing U.S. citizens off the coast of Somalia in November 2005.

Sexual assaults are the dominant threat to women and minors on the high seas. The vast majority of these incidents occur on cruise ships. Physical assaults are the second most frequent crime, and again, the majority of these assaults take place on cruise ships. Missing persons cases are more sporadic in nature and, unfortunately, in 75 percent of these cases, a body is never found. Most deaths reported occur on commercial ships. Death investigations are less common on cruise ships and private vessels. The majority of missing persons and reported deaths are adult males.

The FBI's Field Offices in Miami, Los Angeles, Tampa, Houston, and New Orleans have the largest volume of cases, due to their large and active ports, and the number of ships that arrive in and depart from these ports.

What International and National Laws Pertain to Security of Americans

Onboard Ships Traveling Outside U.S. Territorial Waters?

When a U.S. citizen commits or is the victim of a crime outside the territorial waters of the U.S., the laws of the U.S., the laws of other sovereign nations, and international law will determine our legal authority to respond to or investigate the crime. The interplay of these laws is in turn dependent on a host of other factors, including, but not limited to, the vessel's points of departure and embarkation, the vessel's location at the time of the offense, the vessel's current location, the nationality of the perpetrator and

victim, and the vessel's ownership and registry. More importantly, because these offenses occur in international waters and involve the citizens or interests of other countries, the exercise of the United States' special maritime and territorial jurisdiction will encroach, to some degree, upon the interests and sovereignty of another nation. Therefore, our diplomatic relations with other involved countries, the existence and applicability of any treaties with these countries, and the extent to which we are ultimately dependent upon another country's mutual cooperation and assistance, will often determine the actual extent of U.S. authority to investigate and prosecute U.S. extraterritorial offenses against U.S. citizens.

(Please see Attachment A for an explanation of five common circumstances in which the FBI's investigates Crime on the High Seas.)

The principal law under which the U.S. exercises its Special Maritime and Territorial Jurisdiction (SMTJ) is set forth in Section 7 of Title 18 of the U.S. Code. Under this statute, the U.S. has jurisdiction over crimes committed on a ship if:

- (1) The ship, regardless of flag, is a U.S.-owned vessel, either whole or in part, regardless of the nationality of the victim or the perpetrator;
- (2) The crime occurs in the U.S. territorial sea (within twelve miles of the coast), regardless of the nationality of the vessel, the victim or the perpetrator; or
- (3) The victim or perpetrator is a U.S. national on any vessel that departed from or will arrive in a U.S. port.

In addition to extending the ability of the U.S. to enforce federal laws in international waters, the SMTJ also federalizes certain common law and state law criminal offenses on the high seas, which are committed beyond the jurisdiction of any

state. Under the United States' SMTJ, FBI agents may make arrests for "any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony."

Under *international law*, there are five generally recognized principals upon which a country can permissibly assert extraterritorial jurisdiction:

- 1) *the objective territorial principle* — where the offense occurs in one country but has effects on another (for example, killing someone by shooting across an international border);
- 2) *the nationality principle* — where the offender is a citizen of the prosecuting state;
- 3) *the protective principle* — where the offense threatens the vital interests of the prosecuting state (for example, acts of terror);
- 4) *the passive personality principle* — where the victim is a citizen of the prosecuting state; and
- 5) *the universality principle* — where the offense is universally condemned by the international community, sometimes in a multinational convention or treaty to which the United States is a signatory (piracy would be one such example).

**What is The Decision Making Process and What Procedures Does the FBI Follow
After Notification That a Crime Has Been Committed Against an American
Onboard a Ship Outside U.S. Territorial Waters?**

The most important point to emphasize in these matters is that in *all* cases of suspected criminal activity or terrorism, the FBI should be contacted by the ship's personnel or passengers, regardless of potential jurisdiction issues. If a crime is committed against an American onboard a ship outside U.S. territorial waters, the vessel's company and U.S. victims and witnesses should contact the closest FBI office if it will be docking at a U.S. port, or the closest U.S. Embassy, if it will be docking in a foreign port. If it will be docking in a foreign port, the U.S. Embassy will then contact the FBI Legal Attache covering that territory. The FBI now has approximately 59 Legal Attache Offices around the globe. These offices have developed close working relationships with our international law enforcement partners, to assist in these investigations, and the number of these Legal Attache Offices will continue to grow in the coming years.

We work closely with other countries on international task forces, investigating everything from organized crime to child exploitation to gang activity. Because we have excellent working relationships with our foreign counterparts, as well as a physical presence in other countries, we are able to respond quickly to crimes on the high seas. For example, if a crime occurs in waters near Spain, the FBI's Legat in Madrid would work with Spanish law enforcement to initiate an effective response, overcome any obstacles that arise, and conduct any necessary investigation.

As in any other matter, the FBI will first determine if we have jurisdiction to investigate the matter, and if so, what assistance we will require from other U.S. or foreign law enforcement authorities. If the vessel has docked or will be docking in a U.S. port, FBI Agents will be able to conduct the investigation in much the same manner as in any other investigation. If the vessel has docked or will be docking in a foreign port, the

FBI Legal Attache Office will work with and assist foreign authorities to the greatest extent possible to protect U.S. citizens and interests. They will not, however, be able to conduct an investigation as if they were on U.S. soil. And, in many cases, they will have to depend on the cooperation of foreign authorities, who will actually conduct the investigation. However, other countries may allow us to take a more active role in the actual investigation. In general, most countries are cooperative and work with us to develop evidence, to provide that evidence to us, and to assist our efforts to prosecute appropriate cases in U.S. courts.

As in any other investigation, the FBI will attempt to conduct, or to have conducted, any necessary investigation and the preservation of any potential evidence, as soon as is practically possible or reasonable. The FBI will attempt to board vessels prior to their docking or immediately upon their arrival in port, to begin an investigation, if that is reasonable and practical. Then as in any other investigation, the FBI will directly, or indirectly in cooperation with its foreign counterparts, conduct all interviews, collect all evidence, and work with the appropriate U.S. Attorney's Office and the Department of Justice's Office of International Affairs, to complete the investigation, and where appropriate indict and prosecute the case in a U.S. court.

If the crime occurs within the reach of the United States Coast Guard and within the maritime or SMTJ of the FBI, we work together to address any criminal threat. Under an existing Memorandum of Understanding and longstanding practice, the U.S. Coast Guard and the FBI work closely together to coordinate our respective roles and responsibilities in enforcing our nation's maritime jurisdiction and SMTJ. The key to this

successful relationship has been, and continues to be, effective communication, intelligence sharing, coordination and cooperation.

What is the Decision Making Process and What Procedures Does the FBI Follow After Notification that a Ship With Americans is Attacked By Terrorists or Pirates?

Another threat that has received substantial media coverage lately is piracy. Upon being notified of such a case, the FBI will communicate with the vessel to collect the facts and circumstances concerning the incident. The initial investigation will focus on how and where the incident occurred, and whether the United States has jurisdiction. If the United States does *not* have jurisdiction, the FBI will contact the governing authority that *does* have jurisdiction and work with them to formulate an appropriate response. After addressing any immediate concerns over the preservation of life and the preservation of the crime scene, the FBI will initiate an investigation as it would in any other crime on the high seas, as previously described.

In the event a vessel was seized or individuals onboard were held against their will, a joint investigation and response would be coordinated with the Departments of State, Homeland Security, and Defense.

If the attack was determined to be an act of terrorism, the FBI has clear extraterritorial jurisdiction to investigate any act of terrorism against U.S. citizens and interests anywhere it occurs in the world.

What Are the FBI's Roles and Responsibilities Under the Newly Released National Strategy For Maritime Security?

Next, I'd like to give you an overview of the FBI's role and responsibilities under the National Strategy for Maritime Security (NSMS). As you know, the NSMS established strategic objectives and actions to better protect U.S. interests in the maritime domain. In support of the NSMS, eight national implementation plans have been approved.

One of these eight supporting plans is the Maritime Operational Threat Response (MOTR) Plan, which clearly establishes the roles and responsibilities of the various government agencies that may be involved in responding to threats. The MOTR Plan also provides a framework for agencies to communicate with each other and coordinate their response to a maritime threat or incident.

Under the MOTR Plan, the FBI, through the Department of Justice, has three main roles. The FBI is the lead agency for criminal investigations for all statutes within its jurisdiction arising from threats in the maritime domain, and for all prosecutions arising from threats or acts in the maritime domain.

The FBI is also the lead agency for the investigation of terrorist acts or terrorist threats by individuals or groups inside the United States or directed at United States citizens or institutions abroad, where such acts are within the federal criminal jurisdiction of the United States. Accordingly, the FBI is responsible for coordinating the activities of other members of the law enforcement community to detect, prevent, and disrupt terrorist attacks.

In addition, the FBI is the lead MOTR agency for intelligence collection in the United States. The FBI is responsible for coordinating with the Department of Homeland Security, the Department of Defense, and the Department of State to integrate all U.S.

Government maritime security programs and initiatives into a comprehensive, cohesive national security effort. As with all FBI efforts, this includes full coordination and cooperation with state and local officials, the private sector, and our foreign counterparts.

Chairman Shays and Members of the Committee, thank you again for the opportunity to testify today. The FBI is committed to working with our partners at every level to investigate and prosecute crimes on the high seas. We will do everything in our power to uphold our mission of protecting our fellow citizens from crime and terrorism.

I would now be happy to answer any questions you may have.

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Attachment A

Country of Ship's Registry	Location of Offense	Relevant U.S. Statute	Who has jurisdiction?
United States ^[1]	U.S. territorial waters ^[2] or high seas	18 U.S.C. § 7(1)	U.S.
United States	Territorial waters of foreign nation	18 U.S.C. § 7(1)	U.S. concurrent w/ host nation
Foreign Nation	U.S. territorial waters	18 U.S.C. § 7(1)	U.S. (subject to international law and applicable treaties)
Foreign Nation	High seas	18 U.S.C. § 7(7) ^[3]	U.S. (subject to international law) if offense is committed by or against U.S. nationals. ^[4]
Foreign Nation	High seas, territorial waters of a foreign nation	18 U.S.C. § 7(8) ^[5]	U.S., if ship is departing from or arriving in the U.S. and offense is committed by or against U.S. nationals (subject to international law and applicable treaties).

[1] 18 U.S.C. § 9 defines "Vessel of the United States" as "a vessel belonging in whole or in part to the United States, or any citizen thereof, or any corporation created by or under laws of the United States, or of any State, Territory, District, or possession thereof."

[2] The United States has extended the territorial sea to 12 nautical miles for the application of many U.S. laws. See *Argentine Republic v. Amerasia Shipping Corp.*, 488 U.S. 428, 441 n. 8 (1989).

[3] 18 U.S.C. § 7(7) confers U.S. jurisdiction "any place outside the jurisdiction of any nation with respect to an offense by or against a national of the United States."

[4] Extent of U.S. jurisdiction would largely depend on the parameters of any treaty between the U.S. and the nation of registry. Absent a treaty, the U.S. could exercise jurisdiction.

[5] Courts have interpreted § 7(8) to require some kind of a nexus between the foreign vessel and the United States. In *U.S. v. Roberts*, 1 F.Supp.2d 601 (E.D. La. 1998), the court found jurisdiction under 18 U.S.C. § 7(8) in a case involving a national of St. Vincent & the Grenadines who allegedly sexually assaulted an American minor on a Liberian cruise ship (Carnival) on the high seas approximately 63 miles off the coast of Mexico.

Note: The discussion contained herein does not necessarily reflect legal principles that apply to asserting U.S. jurisdiction for violations of U.S. law beyond title 18

Mr. SOUDER. Thank you very much.
Admiral Justice, thank you for coming.

**STATEMENT OF ADMIRAL WAYNE JUSTICE AND ADMIRAL
JOHN CROWLEY**

Admiral JUSTICE. Good afternoon, Mr. Chairman, distinguished members. It is a pleasure for me and Rear Admiral John Crowley, the Judge Advocate General of the U.S. Coast Guard, to appear before you today to discuss jurisdiction and coordination of assistance in the context of international maritime security.

The maritime domain covers nearly three-quarters of the Earth's surface and is, by far, the greatest defining feature of our world. Plying this vast expanse are more than 40,000 large merchant ships and virtually uncountable numbers of small craft carrying people from place to place and nearly all the raw materials and finished products in modern trade.

As mentioned, on November 5th this year two armed boats approached the Bahamian-flagged cruise ship *Seabourn Spirit* 100 miles off the coast of Somalia, fired rocket-propelled grenades, and attempted to board the vessel, which had 43 American citizens on board. That crew implemented their required ship's security plan and maneuvered to escape and evade their attackers.

While no single nation has the authority or the resources to patrol and secure the entire maritime domain, the United States continues to lead the world's efforts to achieve greater maritime security, and the Coast Guard is at the forefront of those efforts. Indeed, immediately following September 11th, the leadership and vision of the U.S. Government led to the creation of a modern, international ship and port security regime, ISPS, which appears to have contributed to thwarting the attempted piracy aboard the *Seabourn Spirit*.

As the Nation's primary maritime law enforcement agency, an armed force, and lead DHS agency for maritime security, the Coast Guard has significant authorities and capabilities with regard to international maritime security. However, the complex jurisdictional challenges presented by the global shipping industry and the vast size of the maritime environment require extensive cooperation between nations, agencies, and industry.

Although there were 43 American citizens aboard *Seabourn Spirit*, that ship was subject to the jurisdiction of the Bahamas, and the U.S. citizens aboard here were, as a matter of law, constructively in the Bahamas. In any case involving suspect criminal activity directed at or aboard a foreign-flagged vessel on the high seas, close and immediate international cooperation is required to board the vessel at sea, investigate the facts, collect evidence, and sort out the jurisdiction of various states with interests in this matter.

In fiscal year 2005, working with our interagency and international partners, the Coast Guard enhanced maritime homeland security by seizing over 300,000 pounds of cocaine at sea, much of it bound for the United States, and by bringing to the United States over 360 foreign nationals from foreign-flagged and stateless smuggling vessels for prosecution. This regime for interdicting and prosecuting drug smugglers is a model of success based on widely

recognized international law and strong domestic implementing legislation.

From a practical standpoint, the U.S. Government response option is dependent on how quickly the U.S. Government is notified of an incident and the availability of assets in the particular region. If available, any warship or Government vessel on non-commercial service may, with flag state consent, conduct a boarding to investigate or suppress suspected acts of piracy. Cases of piracy, like the *Seabourn Spirit*, are exactly what recent amendments to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, or SUA, address. The amended SUA provides unprecedented tools, including an expanded list of offenses and a comprehensive framework for boarding suspect vessels at sea to prevent and suppress acts of terrorism, violence at sea, and illicit WMD proliferation activities as they are committed.

I note also that the amendments to SUA support the President's Proliferation Security Initiative [PSI], which provides a framework for international cooperation to combat the spread of weapons of mass destruction, their means of delivery, and related materials throughout a variety of measures including maritime interdiction. The Maritime Operational Threat Response [MOTR], Plan is part of the President's National Strategy for Maritime Security. The Maritime Operation Threat Response includes the deployment of capabilities and the use of force required to intercept, apprehend, exploit, and when necessary, defeat maritime threats that affect U.S. interests anywhere in the world. MOTR addresses the full range of maritime security threats, including actionable knowledge of or acts of terrorism, piracy, and other criminal and unlawful or hostile acts committed by state and non-state actors. The MOTR plan establishes the protocols and procedures for achieving a coordinated U.S. Government notification and will improve the ability of the United States to bring the right assets and authorities to bear when a maritime threat affects American interests anywhere in the world.

The operational response to counter threats to U.S. citizens involving pirates or other non-state actors occurring aboard non-U.S. vessels in waters not subject to U.S. jurisdiction is operationally, logistically, and diplomatically challenging. The ISPS Code, amendments to the SUA Convention, the Proliferation Security Agreement, the National Strategy for Maritime Security, and the MOTR plan are some of the significant initiatives undertaken by the United States to increase operational options and better protect U.S. citizens and U.S. interests throughout the maritime domain in the 21st century.

Thank you, sir, for the opportunity to testify today, and Rear Admiral Crowley and I will be happy to answer any questions that you may have.

[The prepared statement of Admiral Justice follows:]

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DEPARTMENT OF HOMELAND SECURITY

U. S. COAST GUARD

STATEMENT OF

**REAR ADMIRAL WAYNE JUSTICE
DIRECTOR OF OPERATIONS POLICY**

ON

INTERNATIONAL MARITIME OPERATIONS

BEFORE THE

COMMITTEE ON GOVERNMENT REFORM

**SUBCOMMITTEE ON NATIONAL SECURITY, EMERGING THREATS, &
INTERNATIONAL RELATIONS**

AND THE

**SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY, AND HUMAN
RESOURCES**

U. S. HOUSE OF REPRESENTATIVES

DECEMBER 13, 2005

Good Afternoon Mr. Chairman and distinguished members. It is a pleasure for me and Rear Admiral John Crowley¹, the Judge Advocate General of the Coast Guard, to appear before you today to discuss jurisdiction and coordination of assistance in the context of International Maritime Security.

The maritime domain covers nearly three quarters of the earth's surface and is, by far, the greatest defining feature of our world. Plying this vast expanse are more than 40,000 large merchant ships and virtually uncountable numbers of small craft carrying people from place to place and nearly all the raw materials and finished products in modern trade. Ships are the primary mode of transportation for world trade and a critical factor in the U.S. economy. Ships carry more than 95% of the United States' non-North American trade by weight and 75% by value. In 2004 alone, well over 10 million passengers traveled aboard cruise ships. Of these, over 8 million were U.S. citizens. I'm sure that your witnesses from the cruise ship industry will provide you up-to-date statistics on the impact of their industry. However, merchant ships, including cruise ships, are crewed by mariners drawn from nearly every nation in the world and rarely fly a U.S. flag.

Securing this vast expanse for freedom of navigation has been a daunting challenge to seafaring nations for thousands of years. As technology has evolved, so have the threats in the maritime domain. On November 5th of this year, two armed boats approached the Bahamian flagged cruise ship SEABOURN SPIRIT about 100 miles off the coast of

¹ RADM Crowley appears before the Committee on behalf the Commandant to testify on USCG policy and programs relevant to International Maritime Security. He does not appear or offer testimony in his capacity as the Judge Advocate General of the Coast Guard.

Somalia, fired rocket-propelled grenades, and attempted to board the vessel, which had 43 American citizens aboard. The apparently well-trained crew implemented their ship's security plan and maneuvered to thwart their attackers. That incident reminds us that maritime pirate attacks are not relics of our distant past, but instead part of the modern mosaic of very significant threats to the safety, security, and success of maritime commerce.

While no single nation has the authority or the resources to patrol and secure the entire maritime domain, the United States continues to lead the world's efforts to achieve greater maritime security, and the U.S. Coast Guard is at the forefront of those efforts. Indeed, immediately following 9/11, the leadership and vision of the U.S. Government led to the creation of a modern, international ship and port facility security regime that appears to have contributed to thwarting the attempted piracy aboard the SEABOURN SPIRIT.

The Coast Guard led the global effort to develop the International Ship and Port Facility Security or ISPS Code to support the new Maritime Security requirements adopted by International Maritime Organization at a diplomatic conference in December 2002. This framework requires ships subject to Safety of Life at Sea or SOLAS Convention, and port facilities that serve such ships, to enhance their security. The SOLAS amendments and ISPS Code entered into force on July 1, 2004.

SEABOURN SPIRIT, a Bahamian flagged vessel, was covered by ISPS Code, and as I mentioned, their foresight and preparedness appear to have paid off. According a spokesman for Miami-based Seabourn Cruise Line, a subsidiary of Carnival Corporation,

the crew had been trained for “various scenarios, including people trying to get on the ship that you don't want on the ship.”

The professional, effective response by the crew of the SEABOURN SPIRIT, the ISPS Code, and our leadership role in international maritime security are no accidents. They embody critical concepts from our National Strategy for Maritime Security, which the President formally issued in September. This strategy recognizes that success in achieving maritime security requires the full and complete cooperation of our international, interagency, state, local, and private sector partners. The core elements of this strategy focus on enhancing international cooperation; maximizing maritime domain awareness; embedding security into commercial practices; deployment of layered security; and assuring continuity of our maritime transportation system. This strategy provides an overall framework for all federal maritime security efforts including mechanisms for responding to urgent operational threats. This last item will be of particular interest to the committee and is addressed by the Maritime Operational Threat Response Plan or MOTR, which I will discuss in more detail later.

As the Nation’s primary maritime law enforcement agency, an armed force, and lead Department of Homeland Security (DHS) agency for maritime security, the Coast Guard has significant authorities and capabilities with regard to international maritime security. However, the complex jurisdictional challenges presented by the global shipping industry and the vast size of the maritime environment require extensive cooperation both between nations, agencies, and industry.

The SEABOURN SPIRIT case provides an opportunity to explore some recurring complex legal and operational themes in international maritime security. First, it is a well-settled principle of international law that a vessel operating seaward of any State's territorial sea is subject to the exclusive jurisdiction of its flag State. In today's world, many ships do not come from or have never visited the home port painted on their sterns. Instead, many shipping owners, as a means of lowering operating costs, register their vessels in countries offering competitive tax and other commercial advantages. This trend has grown over time. While it creates certain economic efficiencies for world trade, it requires the constant attention and participation of the international community to maintain and enforce global safety and security standards.

The concept of exclusive flag State jurisdiction is an important part of understanding the story of the SEABOURN SPIRIT. Although there were 43 American citizens aboard the ship, that ship was subject to the jurisdiction of The Bahamas and the U.S. citizens aboard her were, as a matter of law, constructively in The Bahamas. That concept, applied thousands of miles from The Bahamas on a ship that may never have entered a Bahamian port, is something of a legal fiction. It is, however, an important construct that brings order to maritime operations and ensures that the rule of law, rather than chaos, prevails at sea.

The second important theme that the SEABOURN SPIRIT allows us to discuss is that, unless Congress provides otherwise, the criminal laws of the United States do not apply extraterritorially aboard foreign flagged vessels on the high seas. When U.S. laws do apply, there is almost always some nexus between the offense and specific U.S. interests. Even then, the United States cannot board a foreign flag vessel on the high seas to

enforce those laws without the consent of the flag state, except for a limited number of recognized universal offenses. The practical consequence of this principle is that in any case involving suspected criminal activity directed at or aboard a foreign flag vessel on the high seas, close and immediate international cooperation is required to board the vessel at sea, investigate the facts, collect evidence, and sort out the jurisdiction of various States with interests in the matter. Fortunately for the bulk of U.S. cruise ship passengers, critical U.S. laws covering serious crimes usually extend jurisdiction if the crime is committed by or against a U.S. national, and the voyage in question has a scheduled departure or arrival in the United States, or is committed upon the high seas against a U.S. national. In such cases, the main issue is timely to witnesses, suspects, and evidence.

Piracy, as in the case of the SEABOURN SPIRIT, is one of a handful of universal crimes that fall outside of the general rule of exclusive flag state jurisdiction. Under the international and U.S. domestic definitions, piracy is an attack by a non-government vessel or aircraft against another vessel operating on the high seas undertaken for private gain. Under international law, all States have an obligation to cooperate to suppress piracy, and any nation's warship may intervene to do so. Fortunately, because the SEABOURN SPIRIT effectively exercised its ship security plan to thwart the attack, it did not require or request such assistance.

As I mentioned at the beginning of my testimony, maritime pirate attacks like the one conducted against the SEABOURN SPIRIT are not relics of our distant past, but instead part of the modern mosaic of very significant threats to the safety, security, and success of maritime commerce. Although worldwide piracy attacks are generally down, there

have been over 30 pirate attacks off Somalia's eastern coast since March 2005, and several ships are being held for ransom in Somali waters as a result of those attacks. This increase in maritime insecurity off of Somalia led to a U.S. Government Marine Advisory Warning for ships to remain at least 200 miles from the Somali coast. The Coast Guard has also issued a Maritime Security Directive pursuant to the Maritime Transportation Safety Act mandating that U.S. flagged vessels take certain security measures when operating in the vicinity of Somalia and other high risk areas. On the international front, Admiral Thomas Collins, Commandant of the Coast Guard, participated last month in the adoption of an International Maritime Organization resolution condemning the recent piracy off Somalia. This resolution lays the groundwork for the United Nations Security Council to consider that matter and, perhaps, develop a broader international basis for multilateral intervention to suppress pirate operations originating from Somalia.

Cases of piracy, like the SEABOURN SPIRIT, are operationally, legally, and diplomatically somewhat less challenging than some other illicit conduct and acts of violence at sea, which affect international maritime security. The caveat is that meeting the challenge requires significant international action. International law requires all States to cooperate to the fullest extent possible to suppress piracy. In fact, piracy is one of the few truly universal offenses in international maritime law over which every State may, consistent with its domestic law, choose to exercise jurisdiction regardless of the nationality of the vessels or persons involved. This means that under international and domestic law, pirates can be brought to and prosecuted in the United States or any other country. I do not mean to suggest that we should interdict and bring all pirates to the United States for prosecution, but I do want to make clear that international and U.S. law

provide us with legal and diplomatic tools we need to exercise jurisdiction where piracy affects U.S. interests. As I mentioned earlier, this is not always the case with other maritime crimes.

When considering maritime crime and jurisdictional issues, the well-settled legal framework for international drug interdiction is an excellent model. In fiscal year 2005, working with our interagency and international partners, the Coast Guard enhanced maritime homeland security by seizing over 300,000 pounds of cocaine at sea, much of it bound for the United States, and by delivering over 360 foreign nationals from foreign flagged and stateless smuggling vessels to the Department of Justice (DOJ) for U.S. prosecution. This legal and operational framework for interdicting and prosecuting drug smugglers is a model of success based on widely recognized international law and strong domestic implementing legislation. A nearly identical but not as well developed framework supports our efforts to interdict undocumented aliens at sea illegally attempting to enter the United States.

The Maritime Operational Threat Response or MOTR Plan is part of the President's National Strategy for Maritime Security. The Coast Guard is actively involved in implementing MOTR and we are very excited about the Plan, which we view as a natural extension and improvement of longstanding best practices of U.S. interagency cooperation.

Since 1978, the United States has used a real-time interagency decision-making, and coordination process to manage non-military incidents at sea. Outlined in Presidential Directive 27 (PD-27), this real-time, national-level, teleconference based coordination

and decision-making process is used successfully nearly every day to ensure that Federal agencies notify and coordinate with each other, ensuring the efficient, effective application of all appropriate elements of national power required to produce the desired outcome in response to an array of maritime threats, including drug and migrant interdiction, hijackings, and homicides.

In late 2005, as part of the National Strategy for Maritime Security, DHS, DOJ, and the Department of Defense (DOD) developed the MOTR Plan, which builds upon and improves the PD-27 process to ensure nationally coordinated maritime operational response to address the full spectrum of 21st Century maritime security and defense threats to, or directed against, the United States and its interests globally. MOTR addresses the full range of maritime security threats, including actionable knowledge of or acts of terrorism, piracy, and other criminal or unlawful or hostile acts committed by State and non-state actors. Maritime operational threat response includes the deployment of capabilities and use of force required to intercept, apprehend, exploit and when necessary, defeat maritime threats. Specific MOTR activities include maritime security response and counterterrorism operations; maritime interception operations; the boarding of vessels for law enforcement purposes; prevention and detection of, and response to, mining of U.S. ports; detection, interdiction, and disposition of targeted cargo, people, and vessels; countering attacks on vessels with U.S. citizens aboard; or any other maritime activities that affect U.S. interests anywhere in the world.

Implementation of the MOTR plan envisions employing an integrated network of existing national-level maritime command and operations centers to achieve coordinated, unified, timely and effective planning and mission accomplishment by the U.S.

Government. Upon identification of a threat affecting the maritime domain, MOTR agencies are required to take appropriate action to achieve a coordinated U.S.

Government response. The MOTR Plan establishes the protocols and procedures for achieving that coordinated response and ensuring the delivery of desired U.S. outcomes.

As I said earlier, the practical consequence of jurisdictional principles and finite operational resources is that in any case involving suspected criminal activity directed at or aboard a foreign flag vessel on the high seas, close and immediate international cooperation is required to respond. MOTR provides a clear, modern process for quickly vetting myriad U.S. interests and resource options, securing international cooperation when necessary and appropriate, and executing effective courses of action, including boarding suspect vessels at sea, investigating the facts, collecting evidence, and sorting out the jurisdiction of various States with interests in the matter. MOTR provides an effective mechanism for the U.S. approach to maritime security threats and to develop timely and tailored responses based on authorities, capabilities, competencies, and partnerships. In short, MOTR will improve the ability of the United States to bring the right assets to bear when maritime threats affect American interests anywhere in the world.

I would like to bring the Committee's attention to the recent amendments to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation or SUA. These amendments support the President's Proliferation Security Initiative, which strives to achieve an international framework to suppress the proliferation of weapons of mass destruction. The amended SUA also includes a comprehensive framework for boarding suspect vessels at sea, which fills a significant

implementation gap from the original Convention. The amendments will open for signature on February 14, 2006, and will enter into force after 12 States have ratified the text. The U.S. Delegation was jointly led by the Department of State and the Coast Guard and included representatives from DOD and DOJ.

The original SUA was adopted in response to the 1986 hijacking of the Italian-flag cruise ship Achille Lauro and the murder of an American tourist onboard. The SUA filled a gap in international law by providing a legal regime governing acts of violence on board or against ships conducting international maritime navigation and fixed platforms on the continental shelf, and applied to ships operating or scheduled to operate seaward of any States' territorial sea.

However, the original SUA lacked a complete operational enforcement mechanism. Although entitled "Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation," the SUA's operative provisions deal primarily with events after the illegal acts: apprehension, conviction, and punishment of those who perpetrate such acts, rather than prevention or suppression of those acts.

The SUA amendments bridge this gap by creating a comprehensive international law enforcement framework by which States can cooperate to board and search vessels at sea when there are reasonable grounds to believe that a SUA offense has been, is being or is about to be committed. The amended SUA provides unprecedented tools to prevent and suppress acts of terrorism, violence at sea, and illicit WMD proliferation activities as they are committed. This framework includes detailed procedures for obtaining Flag State authorization for boarding, rules for the exercise of criminal jurisdiction, and the most

extensive collection of safeguards for seafarers to ever appear in an international instrument. The amended SUA also requires States Parties to identify and designate authorities to receive and respond to all boarding requests pursuant to the Agreement, thereby providing the SUA with a complete operational enforcement mechanism. Consistent with the PSI framework, we anticipate that the U.S. “competent authority” will be the U.S. Coast Guard operating within the context of the MOTR Plan, which I discussed a few moments ago. The leadership of the United States will be vital in bringing these amendments into force and subsequent implementation.

As I noted, the amendments to SUA supports the President’s Proliferation Security Initiative or PSI. The PSI, which the President introduced in May of 2003, provides a framework for international cooperation to combat the spread of weapons of mass destruction, their means of delivery and related materials. The PSI interdiction principles illustrate how we can strengthen our maritime security through international cooperation and adherence to the rule of law. The principles call upon PSI participants and all states concerned to cooperate with other states and provide consent under the appropriate circumstances to the boarding and searching of its own flag vessels by other states and to the seizure of weapons of mass destruction related cargoes identified during such boardings. In addition, the U.S. has also moved forward with bilateral agreements with major flag states to clarify jurisdictional rules and ensure prompt operational cooperation so that any threats can be efficiently and effectively addressed.

Those of us who have made a profession of maritime security live in interesting times. The ISPS Code, amendments to the SUA Convention, Proliferation Security Initiative, the National Strategy for Maritime Security, and the MOTR Plan are just some of the

significant initiatives undertaken by the United States to better protect U.S. citizens and U.S. interests throughout the maritime domain in the 21st Century.

Thank you for the opportunity to testify before you today. I will be happy to answer any questions you may have.

Mr. SOUDER. Thank you.

Admiral Crowley, do you have an opening statement as well?

Admiral CROWLEY. Mr. Chairman, I do not. I stand behind Admiral Justice's.

Mr. SOUDER. Thank you.

Admiral McPherson.

STATEMENT OF ADMIRAL JAMES E. McPHERSON

Admiral McPHERSON. Mr. Chairman, members of the subcommittees, good afternoon. My name is Rear Admiral Jim McPherson. I am the Judge Advocate General of the Navy, and it is my pleasure to appear before you today as the Department of Defense representative on the legal aspects of threats to Americans on board vessels traveling outside U.S. territorial waters. Thank you for this opportunity to appear before you.

Protecting the United States, its citizens, and vital interests from attack is our highest priority. Piracy is one of the many forms in which such attacks can take place. Although the term "piracy" conjures up images of historical lore, the legal response to piracy is well settled and reflected in both international obligations and our own domestic law. While piracy is normally addressed within a law enforcement scheme and both the Federal Bureau of Investigation and the U.S. Coast Guard could be termed the first responders, the commanding officer of every U.S. Navy ship has a duty and an obligation to protect U.S. citizens from acts of piracy wherever they may occur.

Again, thank you for this opportunity. I look forward to your questions.

[The prepared statement of Admiral McPherson follows:]

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DEPARTMENT OF DEFENSE

STATEMENT OF

RADM JAMES E. McPHERSON

ON

INTERNATIONAL MARITIME SECURITY

BEFORE THE

COMMITTEE ON GOVERNMENT REFORM

SUBCOMMITTEE ON NATIONAL SECURITY, EMERGING THREATS, &
INTERNATIONAL RELATIONS

AND THE

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY, AND HUMAN
RESOURCES

U. S. HOUSE OF REPRESENTATIVES

DECEMBER 13, 2005

Chairman Shays, and distinguished members of the Committee, thank you for the opportunity to testify as the Judge Advocate General of the Navy today on the legal aspects of threats to Americans on board ships traveling outside U.S. territorial waters.

Protecting the United States, its citizens, and interests from attack is our highest priority. Towards that end, the Navy will seek to interdict and defeat threats, wherever possible at a safe distance from the United States, its territories, and its possessions. More broadly, this requires maximizing awareness of security issues in the maritime domain in order to support U.S. forces and improve U.S. government actions in response to identified threats.

As stated by the Chief of Naval Operations, Admiral Mullen, in his Guidance for 2006, we are a nation and a Navy at war. “Whether providing sovereign deck space from which to launch air strikes in Afghanistan, continuing to support ground operations in Iraq, patrolling the seas to interdict terrorists, or shaping the maritime domain through swift humanitarian action in Indonesia and on our own Gulf Coast, we are contributing to joint and combined operations in ways no one could have imagined a few short years ago.”

The “Vision” portion of the CNO Guidance is particularly relevant today: “Americans secure at home and abroad, sea and air lanes open and free for the peaceful, productive movement of international commerce; enduring national and international naval relationships that remain strong and true; steadily deepening cooperation among the maritime forces of emerging partner nations; and a combat-ready Navy – forward deployed, rotational and surge capable – large enough, agile enough, and lethal enough to deter any threat and defeat any foe in support of the Joint Force.”

We must prevent the maritime domain from being used by terrorists, criminals, and hostile States to commit acts of terrorism, criminal, or other unlawful or hostile acts against the United States, its people, economy, property, territory, allies, and friends.

Towards that end, DoD has been actively involved in recent and significant maritime initiatives to better protect the United States, its citizens, and interests in the maritime domain. Some of those initiatives include the International Ship and Port Facility Security (ISPS) Code, amendments to the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA), and the Proliferation Security Initiative (PSI).

Regarding piracy, customary international law as reflected in the 1982 United Nations Convention on the Law of the Sea (The Law of the Sea Convention) recognizes piracy as a universal offense, and affirms the obligation of all States to cooperate in its repression. To be deemed piracy, the prohibited acts must take place on the high seas, outside the territorial waters of any nation. If acts that would constitute piracy on the high seas take place in another nation's territorial seas (generally within 12 nautical miles of a coast), they are not a universal crime and are generally subject to the jurisdiction of the coastal State (and is usually referred to as "armed robbery at sea"). On the high seas, all States have the authority to seize pirate vessels, arrest persons onboard, and apply its laws to the offenders.

The Commanding Officers of U.S. Navy ships have clear authority to repress piracy on or over international waters directed against any vessel or aircraft, whether US or foreign flagged.

The military is limited by statute in its ability to enforce U.S. law. Accordingly, DoD generally defers to agencies such as the Department of Justice and Department of Homeland Security on the investigation and prosecution of individuals responsible for crimes committed against U.S. citizens. Of course, DoD stands ready to act as needed to protect U.S. lives, property, or national security interests.

Chairman Shays and members of the Committee, thank you again for the opportunity to testify today. I will be happy to answer any questions you may have.

Mr. SOUDER. Thank you.

First I would like to ask unanimous consent that we have 10-minute questioning periods so we can develop the questions. Hearing no objection, let me start out. There are so many different ways we could go, but let me start out first by pointing out to the two Admirals from the Coast Guard that it has been very helpful to have Commander Patrick DeQuattro on as a detailee to our subcommittee. In general, it is helpful to have the Coast Guard people on the Hill. And I want to say in his defense any wonderful questions or comments I make today are his. Any others that are off the wall are mine, and he should not bear responsibility. I want to make that clear at the beginning.

Admiral Justice, you did a pretty thorough job of explaining how the new Marine Operational Threat Response would work in the case of the pirate attack. How is this substantially different than what we had in place in the Achille Lauro?

Admiral JUSTICE. Currently, since 1978, we have what is called the PD-27 process. It is in use. We have coordinated thousands of maritime responses to drug and migrant interdiction on the high seas. As recently as yesterday, we used this again to effectively capture 14,000 pounds of cocaine in the eastern Pacific, one vessel.

However, the MOTR plan improves the PD-27 process. It addresses a full range of maritime security threats, including acts of terrorism, piracy, and other criminal, unlawful, or hostile activities. The MOTR plan is a maritime-centric plan, whereas PD-27 is not. It applies to all maritime threats affecting U.S. interests, whereas PD-27 is non-maritime incidents. And, finally, the MOTR places initial coordination in the first responders' hands, whereas the PD-27 is a single State Department hub for coordination. It is a better plan, sir.

Mr. SOUDER. Let me first ask a technical question that came up as I went through the information. Are there any crimes, Mr. Swecker and all the Admirals, reported to the Coast Guard or the Defense Department that would not be reported to the FBI? In other words, when we see the universe of statistics in front of us from the FBI, are those all the crimes that are reported on the high seas? Or do you each have kind of stovepiped information systems?

Mr. SWECKER. Well, the short answer from the FBI's perspective, is that we collect our own statistics based on what we work. I do not know of any other data that we receive or share regarding those crimes with the Coast Guard or the Navy.

Mr. SOUDER. Admiral McPherson.

Admiral MCPHERSON. Any crimes on the high seas that come to our attention are reported to the FBI through our Naval Criminal Investigative Service, through that law enforcement connection.

Mr. SOUDER. Is it the same for the Coast Guard?

Admiral CROWLEY. Mr. Chairman, I would add that the President's National Maritime Security Strategy here and MOTR in the future advises all of us to report to each other incidents and threats that occur, and there will be greater coordination, therefore, leading to better consistency amongst all of the reporting sources.

Mr. SOUDER. Admiral Justice, you made reference to how we approach narcotics, which my subcommittee particularly focuses on,

and it is a pattern of how you are looking at some of the international terrorism and piracy questions, also some of the potential biological terrorism or nuclear terrorism. Could you describe a little bit in that type of relationship how you would interrelate with the Navy and the Defense Department and where kind of the territorial waters of the United States, how the Coast Guard and the military—Admiral McPherson, if you could, too—interrelate as you move into international waters? And does it depend on the type of threat? Is it whether the threat is headed to our shores, whether it is a threat to the military, whether it is the number of citizens on board? What are some of the types of criteria? Admiral Crowley? Or whoever best can take that question.

Admiral CROWLEY. I will jump in first, Mr. Chairman, and I will say that there is a predisposition in the President's strategy to act and as a first priority to protect American lives; and that the on-scene responder, whether it be the military unit, the Coast Guard unit, the FBI unit, the agencies that you see here today are the leaders of the plan are to respond, with the predisposition to take control and take a leadership position, to be transitioned to a more appropriate organization as the facts and information is developed. And so I would answer the question to say that the first on scene is predisposed to act and take control and protect lives, and then we begin to sort out whether we need additional investigation, additional on-scene law enforcement capacity, or there is a defensive measure that needs to be taken.

Mr. SOUDER. If a fight broke out on a cruise ship and violence started to occur, at what point would that principle apply to that? American citizens, let's say a significant number of American citizens, are on board. You have been notified that it is not exactly a terrorist attack, it is not piracy, but potential loss of life or loss of life has started. At what point do you have the ability to board, and who would do it? And would it be the closest? I mean, would the Navy go on board in that situation?

Admiral CROWLEY. Mr. Chairman, certainly the United States is authorized to respond to masters of cruise ships seeking assistance for any life-threatening incident at sea with respect to—and I would defer to colleagues here—another agency's capabilities and authorities, but certainly it might depend on the outcome of a boarding as to who the agency is that conducts it. But certainly to take action to provide assistance to either U.S.-flagged or foreign-flagged vessels is a relatively easy bar to overcome.

Mr. SOUDER. You would need to be asked, however, by the vessel, not by an individual on board who happened to reach you?

Admiral CROWLEY. A U.S. vessel would be handled differently than a foreign-flagged vessel, generally speaking that a foreign-flagged vessel would be at the behest of the master or the flag state, the recognized government.

Mr. SOUDER. Admiral McPherson, do you have any additional comments?

Admiral MCPHERSON. I think that is absolutely accurate. Oftentimes it would be pragmatically who is closest to respond to the call for assistance. And if it were a Navy vessel on the high seas, we would respond and we would secure the scene. We would protect

lives and property, and then we would ask for assistance from the Coast Guard or the FBI in consonance with the facts.

Mr. SOUDER. Mr. Swecker, I want to ask you a couple of questions, and I am sure we will rhyme with some coming, particularly on the cruise ship incidents. You get called as soon as an incident happens on the ship if they suspect foul play, or does it happen when they are in port?

Mr. SWECKER. If it is a vessel in U.S. waters, usually we will get a phone call. It may be from the Coast Guard. As was pointed out, whoever is in a position to respond the quickest and get there. And then from there, much like a cop on the street or an incident that takes place on land, it is whoever can get there first and assess and triage the situation. We could get a call from the ship. We could get a call from the Coast Guard. We could get a call——

Mr. SOUDER. If there is a suspected killing on board, are you to be notified as soon as that happened or when they get into port?

Mr. SWECKER. Just based on the general requirement to report any crime, particularly if it is, as I said, in U.S. waters or fits into our jurisdictional scheme.

Mr. SOUDER. Let's assume it is not.

Mr. SWECKER. Yes, they should report it. There is no law that requires that they report other than the general laws of the United States.

Mr. SOUDER. What about securing evidence? Is evidence supposed to be secured if there is doubt? Under U.S. law, even if they are in international waters but it is a U.S. citizen, do they have to secure the area of evidence? When they come into port and you look at the area of evidence, do they—obviously an investigation takes time, yet they have to get the ship out again. There have been allegations here that a potential crime scene was cleaned up and maybe even used by others. Are there laws that govern evidence? I mean, they are compared to floating cities, but at the same time I don't know any city of 3,000 in the United States that could eliminate a crime scene?

Mr. SWECKER. I am not aware of any laws that require that they preserve the crime scene. There are practical considerations of when and how quickly we can get there to process the crime scene, whether we wait for them to get to the next port of call, or whether it is practical to get out to the vessel via the Coast Guard or the Navy or some other means. But I am not aware of a law that requires that they preserve evidence. We would hope common sense would prevail in that situation.

Mr. SOUDER. Mrs. Maloney.

Mrs. MALONEY. Thank you.

Very troubling to me are some allegations that people have been missing for a week, sometimes for a month, that it is never reported that the person is missing. One would think that common decency would be that you would call the next of kin, you would call the port, you would call the FBI, you would call the Army, the Navy, everybody, and report this. But I find that very troubling if my daughter or son was on a cruise ship and was missing and no one bothered to call to tell me.

Can somebody report on that? Should we pass a law that for American citizens, that cruise ships at the very least inform the U.S. Government and the families?

Mr. SWECKER. I am not aware of issues regarding delays in reporting, but we did not research that in preparation for the testimony. But I will say that any—I mean, a requirement that there be due diligence in reporting those crimes would be very helpful.

Mrs. MALONEY. Well, I am citing press accounts that I have read in the papers that people have—and then obviously you would secure the crime scene. There are allegations that the crime scenes have been cleaned up and buffed up and the clothes and belongings of the missing person are put in storage, and there is no effort to find anyone to claim this, no reporting anywhere. And certainly on American land, people report crimes. You are required to report crimes.

And I would also like to ask the FBI about keeping information. I think a lot of times we do not know there is a problem until you have the data and the statistics to show that there is a problem and something needs to be done. And in reading press accounts, they state that there is no data collection or information kept on the number of people that are missing or, “commit suicide or are murdered on cruise ships.” Yet I know that many of my constituents tell me some of the finest trips they have ever had in their lives were on cruise ships, that it was a glorious experience and many people—I would say many of these cruise ships are populated by Americans on their various vacations.

I know that the FBI keeps the CODIS index system on DNA. It is an international program. Every other day I am reading a story about a crime that has been solved now some 20 years later—rapes, assaults, all kinds of things—because of this excellent program, I congratulate you, and also the NIBRS, the National Incident-Based Reporting System. And my question to you is: Should we start keeping statistics on this so that we can gauge the extent of it? And also for the consumer to know that on this particular cruise ship or cruise line, no one has been missing ever, yet on another cruise line people seem to disappear? Could you comment on keeping some type of data for the criminal people, the people fighting crimes in our country, to have access to and also for consumers to have some access for their own safety? I can call and get a data system on flights, which airlines have crashes. It is kept by precincts in New York. You can get data of the number of murders, rapes, assaults, robberies. By precinct we can get this information. Why shouldn't we be able to get this by cruise ships?

I am coming back to it. I am terribly concerned about reports that incidents have not even been reported to our Government or to the families. I find that incredibly, almost unbelievable that steps would not be taken immediately to try to inform people, to try to find out what happened, and if someone was hurt, to try to figure out how we can make sure people are not hurt in the future.

So all those questions, if you could respond.

Mr. SWECKER. Well, first of all, we can only collect data on what is reported to us, and it is very difficult to quantify what is not reported. We may be able to collect information on—

Mrs. MALONEY. Do you think we should require that this information be supplied to the FBI on American citizens?

Mr. SWECKER. Given that they sort of step in the role that, for example, a police officer on the street would step into in that situation, it would not be absolutely an idea.

Mrs. MALONEY. OK. Thank you.

Would anyone else like to comment on any of the points?

Admiral CROWLEY. Ma'am, I would just offer that for general safety and security issues, there is data captured certainly for people to look at, whether a different array of data would better meet needs of consumers, but with regard to safety records of both flag states, shipping groups, and shippers, there is information currently available.

Mrs. MALONEY. Where is it available?

Admiral CROWLEY. That is on the Coast Guard's Web site for port state control exchange information.

Mrs. MALONEY. Thank you.

Admiral CROWLEY. We can provide further information upon request.

Mrs. MALONEY. Thank you.

Mr. SOUDER. Admiral Crowley, on the legal standpoint, and maybe Mr. Swecker, too, in response to Congresswoman Maloney's question, even though these are international vessels, couldn't you get this by the licensing to go to a U.S. port? I believe in your testimony a number of you referred to the nexus that we would have because the port in the United States would not be the way we would handle it?

Admiral CROWLEY. We certainly have different mechanisms to look toward acquiring information beyond the U.S. flag vessel. They would include mechanisms for vessels calling on U.S. ports as well as working through the International Maritime Organization to get standards with the community. And we certainly could explore those kinds of avenues.

Mr. SOUDER. Thank you.

Mr. Duncan.

Mr. DUNCAN. Well, thank you very much, Chairman Souder.

For 7½ years prior to coming to Congress, I was a criminal court judge, and I tried the felony criminal cases, the most serious cases, the murders, rapes, armed robberies, burglaries, drug cases, etc. And I always tried to take into consideration the feelings of the families, and I think that they were pretty much satisfied with the sentences that I handed down because I have always believed that we should be very tough on serious crimes. And certainly if I had a family member who was killed or injured in some serious way on one of these cruise ships, I would certainly be concerned with it, and I certainly sympathize with those people. On the other hand, when I see the reports of 50 crimes and then Mr. Swecker's testimony said 305 in 5 years, which is 61 crimes a year, 50 or 60 crimes, we always want to try and do better. That should be the goal of everybody in regard to everything. But I don't know if it is humanly possible to get much better than that 50 or 60 crimes when you have 10 million passengers a year and they are not on there just for an hour or two. They are on there for a week or sometimes even more.

So I am certainly not trying to minimize this, but I am trying to look at it in a realistic way. And what I am wondering about, Mr. Swecker, one thing I am wondering about, there are hundreds of thousands of studies each year by academic people, government people, and everybody else. Do you know of any study or report or anything that, or do you have any information that would lead you to believe that not many of these—that many of these crimes are not being reported to the FBI? There is apparently an agreement among the cruise lines that requires that they be reported. Now, I realize that could be being observed in the breach rather than in the practice. Can you tell us any more specifically about that?

Mr. SWECKER. I am not aware of any studies, but I am also not aware of any systemic problems with them not reporting crimes aboard their ships. I am not even aware of the media reports that were just mentioned by the subcommittee member.

Mr. DUNCAN. All right. Admiral Justice or Admiral Crowley, I understand that the cruise lines have taken measures to screen all the bags and the passengers and so forth. Are there any ways that you feel that their security should be improved or any major or minor changes that you would suggest to improve or increase the security on these ships?

Admiral JUSTICE. I would like to say, sir, that it has been my recent experience in the last 3½ years down in Miami particularly where I have been stationed that there has been remarkable improvements and a coordinated effort to improve—you mentioned the screening of all bags. The Coast Guard and the U.S. Government has promulgated security standards, and the cruise ship industry has stepped up and met those standards in a remarkably aggressive and thorough manner.

Mr. DUNCAN. All right. Thank you.

Admiral McPherson, a final question for you. I noticed in your testimony that you have talked about the law in regard to piracy, but I did not—and maybe it is someplace else in some of the other witnesses' testimonies, but how many acts of piracy are occurring each year on the high seas now? Do you know or have that information?

Admiral MCPHERSON. I do not have those statistics. We can get back to you on that, if you would like, sir.

Mr. DUNCAN. All right. Thank you very much.

Mr. SOUDER. Mr. Swecker, could I clarify this question? One of the most notable cases here, the Smith family, is a dispute whether it is an accident or potential crime. Do accidents get reported, and do you ever investigate that?

Mr. SWECKER. I am sorry. I did not—

Mr. SOUDER. You stated in response to the question in your testimony that—and it was suggested here that the cruise ships themselves report crimes.

Mr. SWECKER. Correct.

Mr. SOUDER. The question is: Do they report accidents? And what happens when a dispute occurs between an accident and a crime?

Mr. SWECKER. I am not aware that they report accidents nor any requirement to report accidents. But if there is any question at all, it would seem that they should report and let us take a look at it,

at least open up a preliminary inquiry and see if a crime has been committed. In these circumstances, it was very appropriate for us to get an early look at it, and it should have been reported very quickly.

Mr. SOUDER. And so I understand this, for the next panel, because in my questioning and Mr. Duncan's questioning, it is still a little unclear to me, is this real-time reporting or is this when they come into port or a quarterly report that they report crimes to the FBI?

Mr. SWECKER. I think it varies. I think when they believe a crime has been committed, I don't think they wait until they go into the port. I think there are communication systems that allow them to report that via the air waves.

Mr. SOUDER. Mr. Ruppertsberger.

Mr. RUPPERSBERGER. Well, first, there are a lot of issues that we can deal with here, but I think it is important to break it down to the real reason we are having this hearing. The scenario basically is that we have a cruise ship industry where we have over 10 million people, half of those people from North America, that are going for vacation. They are looking for a good time. They bring probably more jewelry than they might. They might bring tuxedos, whatever, because of the dining room, and they are looking to have a good time.

Now, when you have a lot of people, you need systems and regulations, and I think the three major issues we need to look at now, first, the crimes on the cruise ships, on board, whether they be theft—and I assume there is a lot of theft. I am not sure whether it is being reported because it is an open season for people when they are out on board and whatever. And do we have a system there that we can identify where the theft is? Is there a ring there? Other issues, I have heard rape, whatever that is.

The second thing, the pirates on the high seas, I think we know that. I don't think that we have as many areas, and I think our intelligence shows that we stay away from certain areas, like Somalia.

And the third is weather, and I referred to that in my opening statement about are we forced because of an industry to take chances when it is important to make a deadline than to look at the safety.

Now, you know, there are some—we had a hearing here, if you will recall, the baseball hearing on steroids, and at first we all thought, well, are we really publicizing something. But the more we got into it, the more that we saw children involved, and then some of the issues were people telling the truth. Baseball had to take a look at it, and we have talked about how this industry is a good industry, but maybe there is more to what we need to look at than what is there.

I know of, and have heard of, complaints when there is a theft in your room that you get a letter back, sorry, we are sorry that we cannot take care of your situation, whatever. And what I am interested in more than anything is, first thing, do we have a system in place—we know about the jurisdictional issues when the FBI or Coast Guard have jurisdiction and what do we do on the high seas and then what do we do. But do we work with the indus-

try itself? Do we have a system that deals with the issue of safety? Do we have people who are certified security officers on ship? Do we have a system, maybe within that security program, investigators that will look at a theft that might be on board or any other issue such as that?

I am not sure which one could answer that question, but how closely do we monitor and work with the industry? Which is a large industry. And why I mentioned baseball, because, you know, the industry itself needs to step up if there are issues. If they are not reporting crimes, how do we evaluate it? And I am sure if they are not reporting crimes and they do not know, they do not want the public to know about it. So let's deal with that.

And then there is a situation, I am sure Congressman Shays will deal with it, you know, which is extremely unfortunate, with George Smith and the way that occurred and the way his wife was treated and the fact that she was really told to go off-board and didn't really feel she had the security that was needed, and then who went to the crime scene, and not even knowing what the issues are there. I am sure that those issues—the Royal Caribbean would not want that to be out in public because if it is, then it will hurt their credibility. So I am asking them and other industries to work with us to find out what is there.

Now, can you answer the question about the standards, reporting of crimes? Do we have people on board that are trained security officers? What do we have there when they go beyond our jurisdiction?

Mr. SWECKER. I can take a shot at it. There are protocols worked out with the cruise lines, but I am not aware of any formal training that we have provided. They may provide their own training. We have met with the cruise lines and established some basic protocols.

Standards, I think you hit on a pretty good issue here as to setting some objective standards for them to meet when there is a suspected crime, reporting those crimes and getting at least some basic minimum standards set.

Mr. RUPPERSBERGER. Does anybody else have a comment there?

Admiral CROWLEY. Sir, I would like to add that since the implementation of the ISPS code and the Maritime Transportation Security Act here in the United States, the Coast Guard has worked with the industry to develop a model security officer training program. I cannot speak to the details and the standards that are inherent in that, but we continue to work with the industry to develop a model program that they can then execute.

Mr. RUPPERSBERGER. But we do not know whether those programs exist, we do not have a way of monitoring, like we do in our airline industry, because I can guarantee you, 99 percent of probably most—at least the people in the United States who go on these cruise ships, they are not thinking or are they aware of what happens when they get beyond the United States of America jurisdiction. And in a way, it is our obligation—and that is why we are having this hearing today—to maybe go to the industry and to maybe make sure that those standards do exist and that we do have the proper people on board. And there is another issue we haven't talked about—and I do not want to get into it now because

we could spend days on this—which is the actual issue of terrorism itself and the ability for, you know, members of al Qaeda or whatever to get on a cruise ship, to come into a port or whatever. I mean, you know, these are things that I think we better start buttoning it up, and I am asking you as a member of this committee to maybe review this with your different agencies, get with the industry before this thing gets out of hand, because we do not want to hurt the industry. There are a lot of people that enjoy this. But if the industry does not police itself and set the standards and we do not help them, then we are going to have to step in, and I don't think that is what the industry is going to want.

Do you have any opinions on whether you can start working with them more in setting those standards and who else should be involved? Anybody?

Admiral CROWLEY. Sir, the Coast Guard certainly continues its partnership with the industry to work toward the safest possible industry that is available.

Mr. RUPPERSBERGER. What I am asking, I really have a problem with a lot of these hearings, that we have these hearings and there is no follow-through. So what I am asking is that the Coast Guard, the FBI, and the Navy here—now, I am not sure whether the Navy is involved as much, but you probably are on the high seas—that we maybe pull together, because you are probably the best experts we have to deal with this, and to look at the industry and bring the industry in and talk about these kind of standards. You know, the Coast Guard has said to me that it is one of the safest modes of travel, but if you happen to be somebody that is lost, like the Smith family, that is not a very safe mode, and we need, I think, to really start looking at standards that will not hurt the industry but allow it to continue on, but to make sure we protect our Americans. Any commitment to get back on that?

Mr. SWECKER. Certainly we can get back to you on that. We have a perfect vehicle to do that with our maritime liaison officers, and they would be the points of contact to sit with the Coast Guard, sit with the Navy, and sit with the industry representatives, and work through some protocols and standards.

Mr. RUPPERSBERGER. You have 300—I think it is 300—major ships or, I guess—what do you call them—vessels—is it 300 companies that are out there that do the majority of the 10, the 12 million? I mean, would you work through the International Council of Cruise Lines? I mean, where do we go here? I am trying to get specific. Where do you think we go?

Mr. SWECKER. Working with 300 different companies would be difficult. Working through the industry representatives through ICCL would probably be the best idea.

Mr. RUPPERSBERGER. I would suggest you find who the big players are, too, and try to address that. And then if you set standards, it can go from the largest players to the smallest.

But, Mr. Chairman, I am sure you are going to ask for this to come back that we could have a report back on this. Thank you.

Mr. SOUDER. Yes, we will.

Chairman SHAYS.

Mr. SHAYS. Thank you. I want to thank all of you for being here, and I am wrestling with myself as to where to begin because we

are citing statistics that I think are meaningless because I do not trust the statistics. Whatever they are, I do not trust them. I do not feel we have all the statistics. I think we have some of the statistics. So maybe you could start by telling me, do you have all the statistics or do you just get some of the information from some of the cruise line industries, some of the cruise ships? Could we just start right down the line?

Mr. SWECKER. As far as crimes that have been reported, we work everything that has been reported to us as at least a PI.

Mr. SHAYS. So, in other words, if they have not reported a crime, you do not have a statistic.

Mr. SWECKER. We do not know what they have not reported to us. There is no way of knowing.

Mr. SHAYS. So the bottom line is, of the statistics you are given, you can then share those statistics. But how can you come to any conclusion that they mean anything?

Mr. SWECKER. You can't. I mean, a lot of crimes on the street do not get reported. We just have no way of quantifying what is not reported to us.

Mr. SHAYS. But isn't there a difference, though, between what might happen on the street and what might happen on a cruise ship? Isn't a cruise ship—basically they are the judge and the jury in a sense? They have their own police, their own fire, and it is all—and nodding the head doesn't get recorded.

Mr. SWECKER. I think you are right.

Mr. SHAYS. OK. If I could just go down the line, how comfortable are you with the statistics that are presented?

Admiral CROWLEY. Mr. Chairman, I certainly would not claim to have accurate statistics for all the crimes that this subcommittee is concerned about today.

Mr. SHAYS. On cruise ships.

Admiral CROWLEY. On cruise ships. There certainly are good, accurate—relatively accurate safety statistics in certain areas that have been developed over years. What you are looking at today I couldn't stand on very long.

With respect to what we could do, we certainly can continue to look at that and figure out what it is—

Mr. SHAYS. We will come back to that. We will come back to that. Admiral McPherson.

Admiral MCPHERSON. Yes, sir, there is no reporting requirement to DOD by the cruise industry. In response to Representative Duncan's statement, we can get back on the number of piracy incidents that we have become aware of, but there is no requirement for reporting those to—

Mr. SHAYS. I am going to put piracy aside for the time being, because I just have this feeling that we will probably have more accurate numbers on piracy than we would on whether or not someone is missing.

Mr. Swecker, if someone is missing, is that a crime?

Mr. SWECKER. Not necessarily. I would say in the context of a cruise ship, it is certainly something that should be reported.

Mr. SHAYS. But is it reported?

Mr. SWECKER. I do not know.

Mr. SHAYS. I mean, you know it isn't, don't you?

Mr. SWECKER. I am sorry?

Mr. SHAYS. You know it isn't reported.

Mr. SWECKER. All I know is what is reported to us. If we were aware of an instance where they did not report it, we would probably independently——

Mr. SHAYS. But in your experience, are you aware that people have been missing on cruise ships and it was never even reported to the families that they were missing?

Mr. SWECKER. I am not personally aware of those situations. Nothing has been reported to me.

Mr. SHAYS. So you have never heard of an instance where someone was missing that was not reported?

Mr. SWECKER. That was not part of the preparation that I did for this testimony.

Mr. SHAYS. Well, one of the things that would be wonderful would be to have all of you read the statements of some of the family members. While you were giving your statements, which I really appreciate, I was just going through what some of the family members had said. And when you go through what the family members endured, you want to scream. At least I do. I mean, when you hear the statement, read the statement of Kendall Carver about Merrian Lynn Carver, she went on a cruise, the steward was concerned because she was not in her cabin by the second day and reported to his folks that he had to report to on the cruise ship. When the cruise ship docked, they took her possessions and sent them down to Miami and did not report anything. Did not report anything. The family is learning that their daughter is missing from her daughter. And then when they try to find out, well, where is she, they find that she went on a cruise. And then they continue to try to get more information. They have to hire an investigator to check this out. The investigator wants to talk to people on the cruise ship, finds that at first they were willing to talk, and then they were not willing to talk. Finally, he learns that the cruise ship was very concerned—at least people on the cruise ship after the second day. The family was never notified. They never notified her parents. They never notified her children. They never notified her former husband. They did not notify anybody. They did not even record that she was missing.

So when I read that, and this is a reputable cruise line. When I read that, everything about statistics mean nothing to me. They are totally and completely meaningless to me.

Let me just understand from each of you, what is the requirement of the cruise line industry to provide you accurate statistics? What is the requirement?

Mr. SWECKER. There are not any that I am aware of.

Mr. SHAYS. Admiral.

Admiral JUSTICE. None, sir.

Admiral MCPHERSON. I am not aware of any requirements to report to DOD.

Mr. SHAYS. So there is no requirement that they provide you statistics whatsoever. So can we agree that the statistics are really meaningless, at least at this point? I mean, would you agree, Mr. Swecker, that the statistics are meaningless if, in fact, you cannot be assured you have all the statistics?

Mr. SWECKER. I would say they are less meaningful.

Mr. SHAYS. Well, tell me how they are meaningful.

Mr. SWECKER. We know what is reported——

Mr. SHAYS. I do not know what “less meaningful” means.

Mr. SWECKER. Well, we have no way of knowing what is or is not reported to us, so there is no way of defining the universe of what is not reported.

Mr. SHAYS. So can you tell me that the statistics are meaningful, then?

Mr. SWECKER. I am not going to defend the statistics. I cannot.

Mr. SHAYS. Are the statistics meaningful?

Mr. SWECKER. I cannot defend them as meaningful——

Mr. SHAYS. I do not know what “defend them” or not means. I need you to tell me—in other words, you have already testified that the industry does not have to report anything to you. No requirement, no legal requirement. The Admirals have said the same thing. They do not have to report it to the Coast Guard. They do not have to report it to the Navy. So there is no requirement that they be reported. And yet I have been listening to all these statistics. So should I have any comfort in those statistics, Mr. Swecker?

Mr. SWECKER. No.

Mr. SHAYS. Admiral.

Admiral JUSTICE. No, sir.

Admiral CROWLEY. No, sir.

Mr. SHAYS. Admiral.

Admiral MCPHERSON. It doesn't seem so to me.

Mr. SHAYS. OK. So what we have to do on this subcommittee is find a way to get accurate statistics. Why don't you each suggest to me how we would get accurate statistics, just to start?

Mr. SWECKER. A requirement that they—and define what crimes should be reported. For example, we have no statistics on theft, so we know that no theft has ever been reported, at least to the FBI. So we know all the crimes are not being reported. So I think a requirement that you report crimes either to the FBI or the Coast Guard, or both, would be a start.

Mr. SHAYS. Admirals. Admiral Crowley.

Admiral CROWLEY. Mr. Chairman, it is clear that we have to come to some agreement as to what the nature of reporting requirements should be, work with both the Congress and the industry and develop some standards that are helpful.

Mr. SHAYS. See, we are not even—and I appreciate your responding to these questions, but we are not even into this issue yet of what, you know, regulations we are going to put or not put on the industry. We are just trying to understand what the problem is to know whether laws are required, regulations, just Government action with no need of regulation, or whether we are just going to say to the industry you have to do a better job and you have to do the following.

What legal rights do Americans have, Mr. Swecker, when they are on board a cruise ship?

Mr. SWECKER. Well, they are afforded all the legal rights of any citizen in the United States.

Mr. SHAYS. If they are on a cruise ship that is foreign-flagged, they still have all the rights of a citizen?

Mr. SWECKER. By virtue of Title 18 in our extraterritorial jurisdictional statutes, yes. I mean, as far as our ability to investigate crimes against U.S. citizens—I don't know if they enjoy, I guess, all the rights of a U.S. citizen if they are on a foreign-flagged vessel, but they are going to receive the protection and the investigation by U.S. law enforcement.

Mr. SHAYS. So if they get on a cruise ship in Italy or Greece, they can feel comfortable they have all the rights of a citizen, all the legal protections of a citizen of the United States?

Mr. SWECKER. Well, we go through all these different jurisdictional scenarios. What they can expect is that U.S. law enforcement will respond if we have a jurisdictional basis to do so.

Mr. SHAYS. The "if" is the question. What does that "if" mean?

Mr. SWECKER. We can only work what we have jurisdiction over. I mean, there are some scenarios where it is not clear, for example, if it is within somebody else's territorial waters or their seas.

Mr. SHAYS. So if a crime is allegedly committed in the territorial waters of another country, then you do or do not have jurisdiction?

Mr. SWECKER. Then that is subject to international treaty, and that starts to get out of my area of expertise. But if there is any arguable basis for U.S. jurisdiction, we will respond and we will work through the host country.

Mr. SHAYS. I have real confidence that the FBI, if they can find a way, will exercise their ability to involve themselves. I just want to know if you do it by just the acquiescence of the country in which the crime may have been committed or whether you can actually demand it by right. Maybe the Admirals can enlighten me.

Admiral CROWLEY. Mr. Chairman, you raise the question of the further we get from a U.S.-flagged vessel calling upon a U.S. port to a foreign-flagged vessel calling upon a foreign port—

Mr. SHAYS. OK, let's take—

Admiral CROWLEY [continuing]. Never getting to the United States at all, and there is certainly going to be a difference in the ability of the United States to provide protections for the cruise line rider that is more distant to the United States. That doesn't mean they don't have rights as citizens and together we won't work toward resolving issues. But there are simply going to be differences in our ability to deal with the problem.

Mr. SHAYS. Let me just isolate it first. Most cruise ships are not U.S. based, or are?

Admiral CROWLEY. Most of them are not.

Mr. SHAYS. U.S.-flagged, they are not.

Admiral CROWLEY. Most of them are not U.S.-flagged.

Mr. SHAYS. OK. Let's just take those that are U.S.-flagged. If a crime is committed in territorial waters of another country, given that it is a U.S.-flagged vessel, we have pretty certain rights?

Admiral CROWLEY. We would have a good ability to exercise jurisdiction not only over the vessel, investigative with colleagues from the FBI, but response from the Coast Guard, and to establish requirements upon the shipper, the cruise line itself.

Mr. SHAYS. If it was not a U.S.-flagged vessel, then?

Admiral CROWLEY. If it was not a U.S.-flagged vessel, then while we could protect U.S. citizens' rights and investigative means as has been discussed, our ability to influence the standards on the

cruise line are dependent upon two things: our work with the industry, which is rather robust and continuous, and our work within the International Maritime Organization, as we have done with respect to security code at large, and to try to extend the standards that the United States believes important as far as we can through world shipping. In an incredibly responsive way, IMO has continued to work with U.S. delegations and passed in very quick time the security facility and vessel code that we all know about following September 11th.

I do not want to paint a picture that we are helpless or that the picture is so bleak, but I think it is important to recognize that it is different when we are dealing with a foreign-flagged vessel, and most different with a foreign-flagged vessel that has relatively no connection to the United States.

Mr. SHAYS. Well, whether you want it to be bleak or not is not really the issue. The issue is you are just trying to be truthful about what rights we have and what rights we do not have and what rights citizens have and do not have.

I notice Mr. Cummings is here. I would like to have a series of more questions, but I would be happy to yield back and then just come back.

Mr. SOUDER. Mr. Cummings.

Mr. CUMMINGS. Thank you very much, Mr. Chairman.

Admiral Crowley, tell me something. You know, we have had all kinds of hearings in this subcommittee about all the things that the Coast Guard has to do with regard to homeland security and drug interdiction and, you know, doing the things that you do, guarding the coast and what have you. But I am just wondering, you know, where does this whole subject fall as far as priorities are concerned?

Admiral CROWLEY. Well, sir, I think everywhere from the National Strategy down to the code that, and I speak loosely, but the code that every commanding officer adheres to, that the safety of life at sea is preeminent. So the safety and security of lives is always a preeminent concern.

The Coast Guard has long worked with the maritime industry both on the commercial side and on the private vessel side, cruise lines as well as commercial carriers, to ensure the safest transportation system that we can to leverage U.S. standards as far into the world's shipping as we can. There is an end to what that might be, and that is what your question clearly goes to. And that is a different question, and there is no easy answer, no good answer for the victims of the crimes that call our attention today.

Mr. CUMMINGS. Do you believe that the cruise industry should bear more of the financial responsibility for security and safety on these cruise ships?

Admiral CROWLEY. Sir, I believe that the cruise industry bears the significant share of the responsibility today.

Mr. CUMMINGS. I see you shaking your head, Admiral Justice.

Admiral JUSTICE. Yes, sir, I would like to chime in here. As we work not only in the regulatory and the preparation for safety and all the things that we do with the cruise ship industry before they sail, once the industry does sail, once the ships are out at sea, the Coast Guard is also there. We respond, particularly in the Carib-

bean, particularly throughout the Bahamas, to medical evacuation situations on cruise ships all the time, all year long, and we are ready to do that as well as if there is some sort of a man overboard situation, whatever it might be, which unfortunately happened again just a couple days ago, we are out there immediately upon notification, and we are flying and we are searching and we are responding in partnership with the cruise ship to try to remedy the situation.

Mr. CUMMINGS. You know, I was sitting here and listening to this thing about you all talk about reporting and statistics, and I am just wondering—you deal with this kind of thing every day, Mr. Swecker. What would be the ideal situation if you were sitting in our seats and there was something that, you know, you could do to make things better that are practical things so that when people get on a ship they could feel—you are never going to be completely secure, I don't care where you are, but have maximum—you know, as maximum as practical security as possible. What would you want to do? What would you do? Or anybody else.

Mr. SWECKER. Well, I would say that you would hope that the industry and push the industry to police itself and establish its own standards. We have talked about reporting. I think that is very critical to at least know that if a crime occurs that it is going to be duly reported and quickly reported. But as far as the standard, security standards, protocols and that sort of thing, you would hope and I would suggest pushing the industry to set their own standards.

Mr. CUMMINGS. And I am just curious, how would you suggest that we do that? If I am going to report something that—and it is so sad. It is so sad that so much gets down to dollars and cents these days, not necessarily safety. And if I have an industry where I am worried about the dollars and cents, hoping and wishing is not probably going to do it. I was just wondering, did you have anything that—I mean, you talk about trying to force them or push them to do it. Us saying please do this does not work. We could barely get trains. I sit on the Transportation Committee. Just to get trains to put certain safety glass in trains so that if there is an accident people can get out is a major, major problem. I mean, it is like going up against that wall there. And I was just wondering, how would you—what kind of incentive would you throw out there?

I hate to put you in this position as a legislator, but you are the FBI, so I figure that you might be able to help us.

Mr. SWECKER. It is very difficult to step into the policymaking role that you are asking, but, you know, as we talked about, I am not aware of systemic problem because we do not know what we do not know. And I think before you step in and start regulating, you need to have a good understanding of what the standards are and what is not being done. Is it a systemic problem or is it an isolated set of circumstances in a few instances? I do not know that. So it is very difficult to step up and say, hey, we need to do this or this. I think at bare minimum, I think it is a good start to simply require that these crimes be reported. But if you are asking me for a standard security standard, I cannot give you that.

Mr. CUMMINGS. I got you. That is not what I was asking, but it is OK.

What sanctions exist, if any, if a cruise line is determined to be negligent or responsible for a serious crime against one of its passengers?

Mr. SWECKER. What sanction?

Mr. CUMMINGS. Yes.

Mr. SWECKER. Well, there is a whole host of laws, both common law, depending on the district where you would find jurisdiction, and also some maritime laws that would govern that. They are also subject to the same laws of any citizen, misprision of a felony, not reporting a felony. There are laws on the books that can be applied if there is such gross negligence that it reaches into the criminal realm.

Mr. CUMMINGS. Now, with regard to the George Smith case, the Turkish Government initially handled it, and then the case was turned over to the FBI after, I think, 6 weeks or 7 weeks. Is that true?

Mr. SWECKER. I am not sure of the exact time period.

Mr. CUMMINGS. Well, you know it—

Mr. SWECKER. It was not right away.

Mr. CUMMINGS. It was not right away. When were you all made aware of that? Can you tell me that?

Mr. SWECKER. No, I do not have that information, but I can get back to you on it.

Mr. CUMMINGS. And—

Mr. SWECKER. I have also been asked by the U.S. Attorney not to discuss the facts of the case.

Mr. CUMMINGS. I understand. I am not trying to get that deep into it. I am just trying to figure out whether I found out about it before you did on CNN. And I am not trying to be smart. I mean, I heard about it from CNN, and I was just wondering—and what I am trying to get to is what kind of cooperation do we get from these governments? Because that sounds like something that is very important.

Mr. SWECKER. Well, I was going to say in that case it was very difficult to determine exactly when and where—what territorial—if any particular territorial waters were implicated and exactly where this happened. And that is one of the threshold questions in terms of who has jurisdiction. So there are some complexities there that get into the facts of the case.

Mr. CUMMINGS. And so then depending on where the ship was, you could have—I mean, it could be a nightmare trying to figure out who has jurisdiction. Am I right?

Mr. SWECKER. I would defer to legal counsel on that one. He is going to have a better understanding of that.

Admiral CROWLEY. Sir, it could be difficult, but I think you touch upon an important point that we continue to make improvements on all the time, and that is working with the shipping authorities of different flag governments to try to improve our ability once we know about a case—you have pointed out a vulnerability to the process. But once we know about the case, to work with the shipping authorities of the different countries and acquire jurisdiction

to facilitate, whether it be Legats or Coast Guard boarding teams, to preserve scenes and to continue the effort.

In several of the cases that we have noted, we have been able to do that, but we have to know about the case before you can make the step to contact the shipping authority.

Mr. CUMMINGS. I would just ask this: Mr. Swecker said that it is kind of difficult, and I am not try to put words in your mouth. Correct me if I am wrong—to figure out whether we have a problem and the extent of the problem if we do not have the information. Am I right, Mr. Swecker? Is that what you basically said?

Mr. SWECKER. Yes.

Mr. CUMMINGS. Do you all consider this a problem? Do you think that is a problem? You know, we have had witnesses come before us, and we thought something was a problem and they did not.

Mr. SWECKER. It has not been brought to our attention as a systemic problem.

Mr. CUMMINGS. So you don't—

Mr. SWECKER. You know, I will not say we have studied it extensively either. I mean, this is one of many things that we do, and it has not been brought, at least at my level, as a systemic problem with the cruise industry.

Mr. CUMMINGS. Anybody else?

[No response.]

Mr. SHAYS. Would the gentleman yield?

Mr. CUMMINGS. Of course.

Mr. SHAYS. Since this was the line of question that I was asking, I need you to elaborate on your answer, because it sounds like you acknowledged the statistics are meaningless because they are not complete and they are voluntary, and you all four said they were meaningless. And yet you are saying you did not think of it as a problem.

So I need you to kind of sort that out for me, just so we have a record that we can act on.

Mr. SWECKER. There just is not enough information to draw a conclusion at this point. I mean, you are asking me to define what we do not know.

Mr. SHAYS. Draw a conclusion about what?

Mr. SWECKER. You were addressing reporting, and I just—we don't know what we don't know. We don't know what hasn't been reported to us.

Mr. SHAYS. OK. So you don't know whether you can make the affirmative or the negative. But I will get into this again because I want it clearly understood. I thought you all said that these statistics were meaningless because they weren't necessarily complete. And if you have a different answer to add, then I need to make sure I know.

Now, what I also heard you saying to Mr. Cummings is that you had not thought about it in the past, and what that says to me is you have lots of issues on the table, and you have just accepted these statistics and acted on them as being valid, which says something else.

I thank the gentleman, but I really need to nail this down before we adjourn this panel.

Mr. CUMMINGS. Yes, just as my last question, this is a followup on what Mr. Shays was saying. You know, the thing that I guess concerns me is that—one of the things that makes me so proud to be an American is that we take care of our people. And, I mean, you all do a great job. You have men and women out there that literally put their lives on the line. I have seen it, I have heard them. And I guess, you know, I look at some of the cases that happen, and it happens to one American who is missing or who has a major problem, I think a lot of the reason why other countries admire us is because we will go, we will do whatever is necessary to try to get to that one person, no matter where they are. I just want to make sure that we do everything that we can to prevent having to have to go after those persons as best we can. We are always going to have some type of problems, and we just need to figure out, again, what—I think there is a problem, figure out how to get the information we need and then figure out how to use taxpayers' dollars most effectively and efficiently to continue to do what America is good at, and that is coming to the rescue of our people.

You know, so perhaps this will in further questioning, you know, flesh it out a little bit, but I think that is the goal here.

Thank you.

[The prepared statement of Hon. Elijah E. Cummings follows:]

Statement of Rep. Elijah E. Cummings, D-MD7
Ranking Minority Member
Subcommittee on Criminal Justice, Drug Policy and Human Resources
& National Security, Emerging Threats & IR
Committee on Government Reform
U.S. House of Representatives
109th Congress

Joint Subcommittee Hearing on "International Maritime Security"
2154 Rayburn HOB – 2:00 P.M.
December 13, 2005

Chairman Shays and Chairman Souder,

Thank you for convening today's hearing on international maritime security. Issues involving safety and security for passengers aboard cruise ships affect an ever-expanding section of the U.S. population as vacation cruises continue to grow in popularity and the number of cruise ships and passengers increases.

Today, approximately ten million passengers a year take trips aboard the 300 large cruise ships that comprise the worldwide cruise ship fleet, generating tens of billions of dollars in leisure spending. More than half of these passengers embark from North American ports, and about half of the ships in the cruise fleet are positioned in these markets.

The largest ports of call are located in Florida, but numerous passengers also embark from ports in Alaska, California, Louisiana, Massachusetts, New York, Puerto Rico, Texas, and my home state of Maryland.

Twelve companies account for the majority of cruise ship activity in the United States. Two companies in particular, Carnival and Royal Caribbean, dominate the U.S. market. Carnival owns 79 ships and has 12 new ships in the pipeline. Royal Caribbean has 19 ships.

Cruise ships have been aptly described as “floating cities.” Unfortunately, all cities, even those that float, experience some degree of crime. For the most part, crimes committed at sea tend to be either minor or personally directed: theft and sexual assault are typical of the crimes that occur most frequently. But the disappearance of 11 U.S. passengers aboard cruise vessels over the past six years and a smaller number of incidents involving ships coming under attack by hostile vessels demonstrate that the threat to passengers can occasionally be deadly and/or motivated by the intent to cause fear, injury or death, on a large scale.

In the post-9/11 world, we are especially obliged to consider what is necessary to minimize the vulnerability of cruise ships as potential terrorist targets.

The October 2000 terrorist attack on the USS Cole that claimed the lives of 17 American sailors as that military ship sat docked in a port in Yemen illustrates one type of danger to which cruise ships may be vulnerable. It also highlights the importance of improving not only ship security but port security.

The apparently growing use of cruise ships to smuggle illegal drugs internationally is also a cause for concern for U.S. law enforcement, particularly the U.S. Coast Guard, whose missions include both port and maritime security and drug interdiction.

The cruise line industry has taken numerous steps over the years to improve safety and security for passengers. These steps include hiring more and better security personnel, many of them former military; increasing the screening of passengers, crew and baggage; strictly regulating access to the ship and particularly to sensitive areas of the ship; and enhancing efforts to train security personnel to prevent crime, address security threats, and conduct and facilitate criminal investigations.

Although a complex web of national and international laws and regulations governs the conduct of persons at sea, the cruise lines themselves remain principally responsible for ensuring passenger safety.

The fact that 90% of the cruise ships that use U.S. ports fly under foreign flags makes uniform standards difficult, if not impossible, to establish and enforce.

Moreover, the interplay of the various laws and prerogatives that may apply when, for example, a U.S. passenger becomes the victim of a crime on a foreign-flagged corporate-owned vessel in international or foreign waters, or when a ship carrying passengers from multiple nations comes under attack at sea, can give rise to jurisdictional issues that may impede investigations and prosecutions. Cooperation among national law enforcement agencies, security personnel, and cruise ship companies in these instances is critical.

We have before us today two panels of witnesses who are well-equipped to discuss the range of issues facing government, the cruise line industry and the public with regard international maritime safety and security. I look forward to hearing their perspectives and suggestions concerning how all of the entities involved can work together optimally to make cruising as safe a pastime as possible for all U.S. passengers.

I yield back the balance of my time.

Mr. SOUDER. Thank you. I have some additional questions.

Would each of you report back to the subcommittee what type of statistics you have in your agency, how many times the Coast Guard has been involved not only on cruise ships but on piracy, if it is related to theft, rape, or murder, same thing in the Department of Defense, same thing in the FBI, so at least we have what universe of statistics we are dealing with.

Second, just as a general statement that Mr. Cummings did, let me ask this question. It is a pretty easy one, Admiral Justice, but I want to give you the opportunity to say this on the record. Since we expect you to pick up every sailboat that tips over, we expect you to interdict all the drugs in the eastern Pacific and the Caribbean and everywhere else in the world, we expect you to guard every little thing that may be in every container coming in on every ship in the United States, and now we expect you to make sure everybody is safe on all the international seas, do you have enough money?

Admiral JUSTICE. Sir, as you know, we do the best we can with what we have, and, Mr. Cummings, you know, you have our continued commitment to keep doing that.

Mr. SOUDER. Bottom line, and I will say this, we in Congress need to accelerate everything from Deepwater to others because we have put you in so many missions, and now the general public—I mean, we have been having these border meetings for about 2 months and trying to figure out how to deal with the U.S. border. And because you did a great job, and Admiral Allen down in Katrina, they wanted to put you in charge of the Southwest border. I know all the coasties really want to do landlocked Southwest border things, but we cannot continue to say the Coast Guard is going to do all this without giving the Coast Guard resources. And I wanted to make sure I put that into the record.

Admiral JUSTICE. Yes, sir.

Mr. SOUDER. Mr. Cummings made a comment and the response was, Mr. Swecker, “once we heard about the problem.” You know, “once we heard about the problem” just does not cut it, because we have established here that there is no timely reporting. In other words, you cannot respond to a problem if you have not heard about it. You do not just look at TV and respond. But you have identified a real critical thing here because if it takes you 7 months to hear about it, what is a crime scene going to look like? I mean, this is like every case is a cold case.

You also said in your testimony that there were not penalties other than the normal penalties. Let me ask a question: If there is a crime scene in a town in Indiana, or anywhere in the country—I happen to be from Indiana. But a Wal-Mart security guard alters the crime scene, what happens if private security changes a crime scene that could impact whether or not a case can be prosecuted? And what if it was deliberately altered, not necessarily to cover up the crime but they knew it was a crime scene, they knew it was a potential civil liberties violation of some individual, and they altered the crime scene?

Mr. SWECKER. A deliberate alteration of a crime scene would be a crime. If it was not just negligence but done with requisite intent—

Mr. SOUDER. What about a potential——

Mr. SWECKER [continuing]. It would be——

Mr. SOUDER. What about of a potential crime? In other words, there is a store, let's say, at the mall, somebody alleges they were raped in the parking lot, but we are not sure whether it was a rape or not, but somebody altered the crime scene from a private security force. Would they have penalties?

Mr. SWECKER. Then you get into nuances of intent. I hate to delve too deeply into that, but the answer is it is a potential crime, yes.

Mr. SOUDER. Is it on a cruise ship?

Mr. SWECKER. If there is—yes. If there is a deliberate intent to tamper with a crime scene, yes. Then you get into legal issues——

Mr. SOUDER. The reason I am trying to get into it, because deliberate intent here is really interesting, because at a mall, it may be that you do not want a car with a bunch of yellow tape over it saying, you know, rape victim there; you do not want to have a store sealed off because something happened in their store, because they would shut down during Christmas season. On a ship, the problem here is they want to use the berths and they do not want to sit in harbor waiting for the crime scene.

So, if there is blood on the deck, that is not going to be real comfortable for the next people going, hey, how come there is blood all over this lifeboat and on the deck? So it is certainly deliberate. The question is, are you saying malicious?

Mr. SWECKER. We would investigate it as a crime. I don't know whether it would be convicted as a crime. We would have to hold up those elements of proof, whatever statute we are working with.

Mr. SOUDER. OK. I appreciate that. That clarifies that for me.

In this question of are the statistics valid, and you kind of suggested that—first off, you said overtly that we cannot have any confidence in the statistics because we only know what we know. At the same time you suggested it had not reached some kind of threshold level that you were real concerned about it.

Let me ask another question. If I have a family member who is missing and I report that, that they are missing from a cruise ship, they went on a cruise and they are missing, does that get counted in the cruise ship data, or how does that get recorded? And does it depend who I report it to? If I report it to the local police, would the local police not necessarily even get it to the FBI unless it reaches a threshold? Could different cases be lodged in different city departments, State police, FBI? And do you mark it if it is a cruise ship?

Mr. SWECKER. It is possible. I think most local agencies would quickly refer it over to the FBI, you know, if it were reported directly to them.

All I can tell you is whatever has been reported to us, we have opened up as an investigation.

Mr. SOUDER. But you do not believe that a case—you do not know or—what I am trying to sort out is, does the FBI get cases outside of the cruise ship self-reporting that could be cruise ship-related? And how does that mesh? Or don't you have that statistic?

Mr. SWECKER. I don't know if we have had indirect reporting from other agencies that the cruise line did not report, but I certainly can get back to you on that.

Mr. SOUDER. That would be helpful because that would be—one of the questions is you presume if somebody was missing from a cruise ship that there would be another method they would report if the cruise ship didn't report it, and that would be an interesting gap to see as well.

Mr. Shays.

Mr. SHAYS [presiding]. Thank you.

We will get on to the next panel in just a second. We are learning how to walk here on this case. We are looking at the cruise ship industry, and we may have a serious problem. We may not have the kind of problem that I think we have. But what I am getting from this first panel and from you, Mr. Swecker, is that given the statistics, you do not think there is anything too out of the ordinary. This is how we started out. You know, we have cities with crime that is worse and so on.

In the course of your responding to questions—and you made it a point that you don't always have a crime told to you in an urban area, for instance. But you did, in the course of responding to some questions, acknowledge that all the statistics you get are voluntary and that you have no certainty whatsoever that you have all the statistics, all the facts. So in response to that, asking the question, can you have any comfort level that these statistics mean anything? I thought your answer was, no, I can't have a comfort level that these statistics mean anything. I may have asked the question differently. If you want to—that is where I am leaving—that is what I concluded from your response to me. If you want to give a different response, then—do you have confidence that these statistics are accurate and that you can draw any conclusions given that you have no comfort that you have all the facts and statistics?

Mr. SWECKER. If you are asking if I have a personal comfort level—

Mr. SHAYS. Not a personal—no, you are not here for personal reasons. You are an FBI representative.

Mr. SWECKER. And I am also trained to operate on facts, and I don't have factual information to draw conclusions right now.

Mr. SHAYS. No, no, that is not—do you—you don't have any factual information to draw a conclusion that the statistics are accurate, correct?

Mr. SWECKER. Correct.

Mr. SHAYS. OK.

Mr. SWECKER. Nor inaccurate.

Mr. SHAYS. Fine. Therefore, when you start out by saying the statistics are telling you that you don't have a problem, do you want to withdraw that? Because you basically cannot make that conclusion, correct?

Mr. SWECKER. All I said was I am not aware of a systemic problem with non-reporting. And I am not aware of a systemic problem with non-reporting. But, again, you know, you are asking me to draw a conclusion, and there is not enough information to draw that conclusion.

Mr. SHAYS. Well, we are going to just start over again, and I do not have a time limit here, and we can go on for half an hour, we can go on for 2 minutes. And I know you want to be cooperative, and I do not want to beat a dead horse here. The bottom line is: Are these statistics reported to you voluntarily?

Mr. SWECKER. Yes.

Mr. SHAYS. OK. Do you believe that the statistics from the industry represent every crime that has been committed? Do you believe that you get all the statistics from all the cruise lines?

Mr. SWECKER. I do not have that information. I do not have enough information to draw that belief one way or the other. But I——

Mr. SHAYS. So the answer is——

Mr. SWECKER. All I know is what has been reported to us. If I had examples of non-reporting——

Mr. SHAYS. Well, let's pursue it differently——

Mr. SWECKER [continuing]. I could draw a conclusion.

Mr. SHAYS. Is the cruise industry a disinterested party here?

Mr. SWECKER. No.

Mr. SHAYS. Does the cruise industry have any penalty if they do not provide you accurate statistics?

Mr. SWECKER. None that I am aware of.

Mr. SHAYS. OK. They cannot go to jail. It is all voluntary. And so basically you are depending on the good will of the cruise industry to provide you accurate information. Is that correct?

Mr. SWECKER. That is correct.

Mr. SHAYS. Is it possible that some of the information they would provide you would embarrass them?

Mr. SWECKER. It is possible.

Mr. SHAYS. Is it possible that some of the information they could provide you might hurt their business?

Mr. SWECKER. It is possible.

Mr. SHAYS. OK. So, so far, we are in agreement.

Can you state with any comfort level that given the statistics that you are provided, you can say that we do not have a problem in the cruise industry?

Mr. SWECKER. No, I cannot.

Mr. SHAYS. OK. We will leave it at that. We will leave it at that. I think that is fair. So you are not coming here saying we have a problem or we do not have a problem.

Mr. SWECKER. Correct. If I had more information for you, I would be perfectly willing to draw a conclusion on that. But I——

Mr. SHAYS. OK. Rear Admiral Justice, I am going to ask you the same basic questions, and without me asking it, tell me what the statistics tell you and tell me how dependable you believe the statistics are. By the way, I thought this was like the first question I would ask in the course of 20 others, and that is why I am not eager to keep spending time on this. But what comfort level do you have with the statistics that would suggest that we do not have a problem with the cruise industry? Can you draw a conclusion one way or the other?

Admiral JUSTICE. I cannot.

Admiral CROWLEY. Mr. Chairman, if I could have your indulgence and maybe answer the question a little differently——

Mr. SHAYS. Fair enough.

Admiral CROWLEY [continuing]. And see if it is responsive to you. Over time, the Coast Guard has found a fair degree of self-reporting from the cruise industry on safety matters such as fire prevention from which additional fire protection regulations were implemented within the industry, first within U.S. carriers and then, through IMO, overseas.

On the other hand, through largely a wide body of anecdotal information, investigations and efforts in the area of environmental pollution were undertaken by the Coast Guard in a different fashion.

So we have experience, is what I would offer you, in dealing with both the industry dealing on its own behalf as safety as an interest of theirs and self-reporting and making adjustments to regulations, as well as understanding, where a wide body of anecdotal information does exist, that law enforcement and investigative efforts have to be undertaken and pursued without the request of the industry. And I think there is a track record, for example, in the environmental enforcement area of holding individuals as well as corporate entities criminally liable where it is applicable.

So that is approaching your question a little differently. I don't know if that is helpful to you or not.

Mr. SHAYS. We will let it stand. Thank you, Admiral.

Admiral MCPHERSON. Mr. Chairman, the Department of Defense has no regulatory or law enforcement relationship with the cruise industry, so I am out of my lane in response to that. But as a taxpayer, I would agree with you.

Mr. SHAYS. Thank you, sir.

I thought that if a crime had been committed but stating that someone is simply missing, it clearly reduces the level of oversight on the industry. Would you agree, Mr. Swecker? I mean, there is a big difference between someone being missing and a crime being committed.

Mr. SWECKER. There is a difference, yes. People go missing every day within the United States, and it does not necessarily translate into a crime. But it is in a different context on a cruise ship because there is nowhere to go, so, you know, to me a crime is implicated or some other event is implicated, a serious accident.

Mr. SHAYS. Well, we have three choices basically, it seems to me: a murder was committed, people were fooling around and an accident took place, someone was drunk and did something unwise and fell overboard, or they committed suicide. I have four choices. Are there others that I should add to that?

Mr. SWECKER. No. I think you have covered it.

Mr. SHAYS. But what is stunning for me is in speaking to Mr. Carver and learning about Merrian Lynn Carver, in that instance the industry did not even want to say she was missing. That is what is so astonishing. I mean, missing is one thing. They are not saying she was killed. And so I am just struck by a feeling of uneasiness about the industry. That is, Mr. Swecker, why you in your professional ability are not going to make a conclusion one way or the other, I have suspicions. My suspicions are that if they would do that to Merrian Lynn Carver and have her young daughter calling her grandparents and saying, "Mommy is not home, I cannot

find her,” and then in the course of having to get information, spend \$75,000 to get this information, to learn eventually, after being able to speak to the steward, who they did not want them to speak with, that he was concerned from day one. And from day one, they just took her stuff and got rid of it, case closed. So they have a little bit of a problem with me.

I am just sharing with you as to why we are intrigued and interested and determined to pursue this. When you read the statement from Jennifer Hagel Smith, you want to scream, you want to cry, you want to say, “I don’t believe it.” She was basically told that her husband was presumed to have gone overboard in a public place in front of other people who were laughing and smiling and having a great time on a cruise ship. She states there was no compassion, sympathy, or sensitivity shown by the cruise line. She asked if she could contact George’s parents immediately. She says, “The cruise line told me not to call anyone; however, I couldn’t bear the weight of this nightmare alone.” Hello.

“Finally, the cruise line permitted me to call my family. My mother answered the phone”—and she describes that.

“The Captain of the cruise ship told me that I had to leave the ship with the Turkish police.” The captain promised to her dad that “I would leave the ship for only a short period of time” and that there would be two people—“He promised my Dad that two ship security officers would accompany me at all times. He ensured us that the officers would promptly return me to the ship.”

She states, “I was interrogated by a Turkish police officer in an office at the port. I was then driven into the city to a Turkish police station where I was mocked and taunted as I sat crying and bewildered. Where were the two cruise line security officers?” That is what she asked. “I was then taken against my will, further from the cruise ship, to a hospital. A man . . . I could not understand lifted up my shirt and looked down my shorts without taking me to a private examining room.”

That last little part, “without taking me to a private examining room,” is kind of meaningless. Why he was doing what he was doing is unbelievable.

“The ship sailed without me that evening. I was left in Turkey with no money, no plane ticket, no food, nothing . . . The cruise line did not offer me help with a flight, hotel arrangements, or anything. I could not speak the native language and I felt abandoned.”

“I had to borrow money to pay for a hotel.”

So that is the statement of someone who could have said this publicly. It is written. It is part of the document. And so I am wrestling with how we can trust any statistic from any cruise line that would do what they did to a young bride.

So help me, before we get on—and, by the way, Mr. Cummings, would you like the floor for a bit? Let me recognize you, Mr. Cummings. I am sorry.

Mr. CUMMINGS. I just want to pick up on this. You know, I read the statement that you just went over, and then I read the statement of George Smith and Maureen Smith, the parents, and I do not want to just zero in on this case because I know there are a lot of cases. But, you know, one of us asked about the crime scene situation, and in the statement of Mr. and Mrs. Smith, they talk

about the security “failed to enter George’s cabin even after several complaints of a loud fight taking place inside. If they had entered his stateroom, our son and brother’s life may have been saved.” And this is what was very interesting. “The cruise ship was not locked down in Kusadasi, Turkey, the next port of call after George’s disappearance. Passengers and crew members were free to disembark as usual, potentially taking crucial evidence off of the cruise ship with them.”

“The Turkish authorities were rushed off the boat prior to completing a full investigation so that the cruise ship could make the next port of call on schedule.”

This goes back to what I was saying a little earlier. You know, we have a thing in this country about taking care of our people. And then just adding on to what you just said about the way this bride was treated, I mean, when I began to read it, I felt chills to think that 1 day you have somebody being married and going off happily to enjoy their life and looking forward to children, and the next thing you know somebody comes to them and tells them your mate is no longer here.

I think there is a problem. I think there is a major problem. And I think there is some kind of way we have to do better. Over and over again we see these wonderful commercials of cruises, talking about the good life, how happy everybody is going to be, and then we hear about these tragic situations. And so, you know, we have just got to figure out a way. This is not the American way. We can do better. And I am not trying to take anything away from you all, but some kind of way we have to figure out how we can use diplomacy, the tools that we may have at our disposal, because there is one thing that we have to keep in mind, that there is one thing that drives the industry, and that is money. And if people begin to understand—I mean, I tell you, if what you talked about a moment ago, Mr. Shays, were out there truly in the universe, I don’t know whether that cruise line would get any business.

I think we have just got to look at a lot of options, but we cannot allow this to continue the way it is, because there is going to be another incident, whether we like it or not. So as I was saying a little bit earlier, I think we just have to find a way.

I don’t have anything else.

Mr. SHAYS. Thank you.

Mr. Souder, do you want to make a point? I am going to have a few more questions. Should I go to you and then come to me?

Mr. SOUDER. That is all right.

Mr. SHAYS. We are going to conclude here. I need you all to help us out. I need you to tell us how we get a handle on this issue, and I am certain that all of you have thought about it. Where should we move this hearing to so we are not just voicing concern, but making a difference? For instance, should we, and can we legally do this to a foreign flag owner? Can we require all statistics be provided and define what those statistics are, what we want. Can we require that there be uniformity in terms of when someone is missing, that they be treated as a potential crime until determined otherwise? I mean, in other words, what should we be doing to make this work? I am not quite sure of the role of the Navy here. I just know my brother was a pilot in the Navy, and I had

a brother who was an officer in the Coast Guard, so I love what you all do. Admiral, why don't I start out with you? Tell me specifically what—I know in your statement you did—but specifically what the role of the Navy is in all the issues that we are discussing today?

Admiral MCPHERSON. Our role is one on the high seas, primarily in the area of piracy.

Mr. SHAYS. So primarily in piracy, which we are not spending time, I am not spending time focused on. But I would like to put a statement in the record from the Strategic Forecast. It is a Daily Terrorism Brief dated December 13th. I am going to submit this for the record, but they basically say cruise ships also fit into the targeting criteria of many militant groups. For certain militant Islamic groups a ship full of Israeli tourists would be especially enticing.

I want to say that this is a huge issue, and I acknowledge it. I know the cruise industry is very concerned about this and doing what it can to protect itself. Because of the limited time, I am focused more on the issue of missing persons and crime. Thank you.

Admiral MCPHERSON. Yes, sir.

[The information referred to follows:]

Stratfor: Daily Terrorism Brief - December 13, 2005

The Ongoing Threat to Cruise Ships

In August, Israel's Shin Bet security service warned four Israeli cruise vessels bound for Turkey to avoid the Mediterranean coast and divert to Cyprus, citing a security risk in the region. The warning came days after Turkish authorities arrested five men at a residence in the port city of Mersin. Police, called to the scene after chemicals the men were mixing to make explosives caught fire, discovered nearly 5 pounds of plastic explosives and almost 45 pounds of chemicals. Turkish police later said the suspects were planning to attack government buildings and tourist sites. The cell's intended target, however, almost certainly was at least one of the cruise ships -- and the tourists on it.

The timing and severity of the Israeli warning -- coming so soon after the Mersin raid -- has led some counterterrorism experts to believe Israel dodged a bullet by diverting its ships in August -- and that jihadists continue to plan an attack against a cruise ship. The jihadists, who until recently had focused on hitting commercial shipping targets, could now be shifting their sights to cruise ships, these experts believe. Furthermore, al Qaeda has been known to repeat an unsuccessful attempt against a specific target until it succeeds.

Although where and when such an attempt might occur is unknown, the area around Turkey would make a prime target. Many American and European Christians are deferring trips to Israel because of the unrest in that country, and instead are visiting religious sites in Turkey, which they consider to be safer. Mersin is an especially attractive port of call for passengers seeking to visit the city of Tarsus, birthplace of the Apostle Paul. This stream of foreign tourists could provide a tempting target for jihadists operating in Turkey.

Because cruise ships -- as well as the ports they dock in -- are at best only lightly defended, cruise ships present a soft target. While at sea, the ships often are miles away from any assistance should they come under attack. Moreover, a swift tactical response to an attack against a ship in international waters can be hampered by issues of jurisdiction and responsibility for a ship carrying passengers of different nationalities.

As demonstrated in the October 1985 attack against the Achille Lauro, a relatively small number of militants can seize a cruise ship with little difficulty. Laborers, cooks or other low-skilled crew members could represent an unreliable criminal element on a ship. By coordinating with operatives planted among the passengers or crew, a militant group could easily take over a cruise ship at sea -- taking hundreds, if not thousands, of hostages or victims.

Cruise ships also fit into the targeting criteria of many militant groups. For certain militant Islamist groups, a ship full of Israeli tourists would be especially enticing. In addition, because they carry anywhere from several hundred to a few thousand passengers and crew, an attack against a cruise ship could easily result in mass casualties.

Even while in port, a cruise ship is vulnerable to a terrorist attack. Some aspects of an attack in port make that scenario extremely dangerous, because of traffic congestion and the fact that the ship would be moving slowly. An attack similar to the October 2000 suicide bombing of the U.S.S. Cole in Aden, Yemen, would have devastating results on a cruise ship. The crew would not see the a bomb-laden suicide boat coming from as far away as they would on the high seas and would not have much time (or space) to react and maneuver. Unlike a warship -- built to withstand attacks from missiles, bombs, and torpedoes -- cruise ships lack structural reinforcements and built-in damage control systems. The bomb that nearly sunk the Cole, then, could easily sink a much larger cruise ship.

The cell that likely was plotting to attack the ships in Turkey might have been interrupted, but the danger to cruise ships remains. In the Mediterranean Sea and off the coast of East Africa, routes often take cruises near the coastlines of unstable countries that have active insurgent or militant groups.

For their part, some cruise lines have tightened security since the Sept. 11 attacks. Most U.S.-based lines have adopted the U.S. Coast Guard's Level 3 security measures, which include increased screening of both passenger luggage and the ship's supplies, closer inspection of passenger identification and cross-referencing with U.S. government watch lists, further restrictions on access to key areas such as the engine rooms and bridge, increased time-of-entry notices from 24 hours to 96 hours for all U.S. ports, and the creation of a 100-yard security zone around the ship. In addition, each ship carries a Chief Security Officer who leads a small team authorized to carry non-lethal weapons such as pepper spray. Such a team would be trained to handle such things as stowaways, contraband smuggling and, of course, the threat of terrorism.

Some lines, including the Miami-based Seabourn Cruises, have equipped their ships with advanced non-lethal weapons such as the Long Range Acoustic Device, (LRAD), which the U.S. Navy has used since the attack against the Cole. If the attackers know they are likely to encounter the ear-splitting sound of an LRAD, however, they can employ countermeasures such as earplugs. In any case, suffering a little pain unlikely will deter a suicide attacker.

These measures are a start, although the effectiveness of each line's security measures varies. In actuality, however, such measures probably are insufficient to deter determined, heavily armed and aggressive attackers.

Mr. SHAYS. But when they are in the high seas, that is your territory, right, in that area there?

Admiral MCPHERSON. Yes, sir, and we are active in that area, yes, sir.

Mr. SHAYS. Very active. We may just have a hearing, frankly, just on the issue of the role that you play and the concern we have about terrorism on cruise ships, and then you will be feeling a lot more in familiar territory. So thank you.

Coast Guard and FBI, maybe tell me how you think we could make a constructive effort here? Let me just ask all of you, do you believe that we have a problem—you don't have to define the problem—that this is an issue that we need to look at, Mr. Swecker?

Mr. SWECKER. Certainly it is an issue.

Mr. SHAYS. That we need to look at?

Mr. SWECKER. Yes.

Mr. SHAYS. Admiral Justice.

Admiral JUSTICE. Yes, sir.

Mr. SHAYS. Admiral Crowley.

Admiral CROWLEY. Yes, sir, absolutely.

Mr. SHAYS. So we are in agreement with what we need to look at. Just help us out a little bit as to the directions you would suggest we go. Maybe, Mr. Swecker, you could start.

Mr. SWECKER. Sir, I think you are onto a very significant issue when it comes to reporting. I think you have a very valid concern there. We share that concern, and my previous answers were just centered around just not having enough information——

Mr. SHAYS. I think I understood you, and I am comfortable with your position.

Mr. SWECKER. All right. We see our role as to promptly investigate these crimes when they are reported, and we certainly have an interest in making sure that the crimes or potential crimes are reported.

Mr. SHAYS. Thank you.

Admiral Justice.

Admiral JUSTICE. Seeing as we are part of the regulatory prevention side, and we are also, of course, part of the response to challenges, and I would just say we are committed to continuing to look at this.

Mr. SHAYS. Thank you, sir.

Admiral Crowley, to add? Any suggestions on how we should be looking at it?

Admiral CROWLEY. Mr. Chairman, Chairman Souder asked us to provide statistics to the subcommittee, and I think that is a good vehicle to offer further thoughts and deliberate suggestions to the committee as to a way ahead in the way of working with you to find a good direction.

Mr. SHAYS. I am just going to make an observation, and then give the rest of the time to Mr. Souder. You know, there is this intriguing commercial that says what happens in Las Vegas stays in Las Vegas. I am getting the feeling that as we talk about the cruise line industry, it is a fun place for people to get away and sometimes just do things they might not do at home. It is also a floating casino, a huge amount of dollars. I am just wondering if there is not a way that they have less dollars on board ship, that people

not carry a lot of extra dollars, that there be some way that they can do all that they want to do without having cash.

The other area that I would have responded to this question is, that I asked you, is I am struck by the fact that—I am assuming that most, based on what I have read, that most of the employees are not necessarily American citizens, in fact, aren't, that they are looking for less expensive labor. My sense is they don't go by OSHA laws. They work real hard on board these ships, and it is pretty intense at times. But I am just not quite comfortable with the vetting process, and we are going to ask the industry how they vet individuals.

I am just struck with the fact that when Jennifer was dropped off, that ship went on sailing with potential murderers on board, and they still may be on board today, and that sends a shiver down my back.

Mr. Souder.

Mr. SOUDER. Thank you. I wanted to make just a couple of comments. We focused mostly on the cruise ships, but there are national security concerns here, and maritime security in general, and Chairman Shays and I actually did a joint hearing in New York Harbor, what, 2 years ago, looking at jurisdictional questions there and who was in charge of what, and whether we were looking at control ships, and he is specifically focused in this. I found it ironic. I went with Chairman Curt Weldon over to Tripoli at a conference on maritime security that was being held in Tripoli, the old pirate coast where we used to face all these type of things, and hopefully they have switched sides at this point, but it is interesting to watch this growing concern around the world about kind of quasi states. Like we see in narcotics and terrorism, these terrorists work in their whole network, the Nigerian networks around the world in diamonds and narcotics, and worrying about the high seas and whether they are going to be safe.

I also wanted to thank the Coast Guard again. I got to go with what we used to call the Sea Marshals, which name, by the way, I liked better, in that you board these cruise ships as they come into these high-risk harbors because these are not only cities, but potential bombs coming in. If control were seized, or if the crews in fact aren't checked, or if there are people who can get on and off, and the missing people question looms large in these ships as to the security if they hit particularly LA/Long Beach, where it would be a disaster with those ships coming in.

But also, the reason I specifically asked to close is we have over 20,000 people we know annually or more die a year because of illegal narcotics, and Mr. Cummings and I have worked on this issue a lot. I want to thank every FBI agent on the street, all the members of the Coast Guard who do this, the men and women in our armed forces in Afghanistan and Colombia and on the high seas who work with drug interdiction, but in particular, this morning the U.S. Navy lost a helicopter, and our prayers go with the families and the people who are doing the searching to see if there are any survivors. But every person out there has been working to save lives on our streets, and in the Eastern Pacific over 70 percent of the narcotics coming into the United States come from that zone. I know it is a terrible tragedy to those individuals, but they are out

there helping protect the rest of us, and we thank you, not only in Iraq and Afghanistan and around the world, but also in the war on illegal narcotics.

Mr. SHAYS. I would like to add my voice to what Mr. Souder said. We both, in the positions we are in, travel a great deal overseas where we see our men and women serving our country, whether it is the State Department, whether it is in Coast Guard, the Army, the Marines, the Navy, the FBI is overseas in all our embassies. I am frankly in awe of the dedication and the competence of the men and women who serve our country. And so we thank them and we thank all of you, all four of our witnesses. You have been excellent witnesses and we thank you for your service to our great country. Thank you.

We are going to get to our next panel. Thank you for your patience. Our next panel is Mr. Michael Crye, president, International Council of Cruise Lines; Mr. Greg Purdy, director of security, Royal Caribbean Cruise Lines; and Mr. Charlie Mandigo, Holland America Lines, Inc. We appreciate them for being here.

If you would remain standing, we will swear you in and then hear your testimony.

[Witnesses sworn.]

Mr. SHAYS. Our witnesses have responded in the affirmative.

Let me just say to all three of you, we thank you for your cooperation with this subcommittee. We thank you for being here. I have met with one or two of you, and I appreciate the interaction we had. What I would request is that we have a candid conversation. Obviously, there are particular cases which you are not going to want to go into in any detail or much detail, but I have a feeling this will not be the last time you appear before us, and we would like to start off just being as candid with each other as possible, and finding a way to deal with whatever problems we perceive and you all acknowledge that we can do, and do it together, rather than on opposite ends.

Mr. Crye, why don't we start with you? We have 5 minutes, but we will roll over it so you can keep going if you want to make sure that you have something on the record. Obviously, your statements are a part of the record, but we want to make sure that you feel that you are able to say whatever you need to say.

STATEMENTS OF MICHAEL J. CRYE, PRESIDENT, INTERNATIONAL COUNCIL OF CRUISE LINES; GREGORY M. PURDY, DIRECTOR OF SECURITY, SAFETY, SECURITY AND ENVIRONMENT, ROYAL CARIBBEAN CRUISES LTD.; AND CHARLES E. MANDIGO, DIRECTOR, FLEET SECURITY, HOLLAND AMERICA LINE, INC.

STATEMENT OF MICHAEL J. CRYE

Mr. CRYE. Good afternoon, Mr. Chairmen and members of the subcommittee. My name is Michael Crye. I'm the president of the International Council of Cruise Lines. Thank you for the opportunity to present testimony on behalf of the cruise industry. I have provided a written statement to the subcommittee that I would ask be entered into the record. Since you have already done so, thank you, sir.

In my testimony today, I will explain our security practices and jurisdictional protocols as I understand them, and how many people have cruised safely over the past few years. However, there have been a few passengers that have regrettably had other experiences. My testimony cannot lessen their pain. No matter how rare the incidents are that we talk of today, it doesn't make them any less relevant or serious. We recognize that and send our sympathies and condolences to those passengers and their families.

The ICCL is a cruise industry trade association representing 15 leading cruise companies, and approximately 100 companies providing goods and services to the member lines. Our members carry approximately 90 percent of the passengers in the North American vacation market. The mission of the ICCL is to participate in the regulatory and policy development process and promote all measures that foster a safe, secure and healthy cruise ship environment. ICCL is the industry representative to the International Maritime Organization and the International Labor Organization. Our vessels operate around the globe at approximately 800 ports worldwide.

Over the past 20 years the industry has grown at a rate of approximately 8 percent per year with outstanding guest approval ratings. The industry also has an enviable record when it comes to safety and security. In 1995 the U.S. Coast Guard published the Report of the Cruise Ship Safety Review Task Force, and issued the following opinion: "Passenger vessels operating from U.S. ports are among the safest modes of transportation available." I know of no reason for this opinion to have changed in the past 10 years.

I also believe it is equally true for our member vessels operating to and from foreign ports.

For many years the cruise lines have had on board security plans and procedures in place. These procedures include x-raying or examining every person, piece of luggage, and all supplies loaded onto the vessels. All passengers are screened prior to boarding and properly identified. Each crew member holds a U.S. seafarer's visa, and has undergone a U.S. State Department background check. In addition, the ICCL Security Committee, comprised of the security directors of all of our member lines, meets every 60 days to discuss security and meet with law enforcement and intelligence agencies here in the United States. These meetings have been going on for the past decade.

In the aftermath of September 11th, Congress passed landmark legislation, the Maritime Transportation Security Act, and concurrently, a new international agreement called the International Ship and Port Facility Security Code was finalized. These regulations became effective throughout the world on July 1, 2004. In developing these legal regimes, cruise ship security plans and practices were utilized as the blueprint of those that are applicable today throughout maritime industry.

All ICCL cruise lines maintain strict security protocols and compliance with these United States and international mandates. Each ship has a designated security officer and a team of security personnel. Security personnel typically have a military or law enforcement background, and are trained specifically in respect to mari-

time security as well as the basic principles of crime scene prevention—preservation.

Extensive security plans were in effect and approved by the U.S. Coast Guard from 1996 through 2004. These plans were updated in 2004 in accordance with ISPS Code requirements. These plans enable the ship to increase its security measures at a moment's notice. Each and every crew member on board and in the management chain knows what his or her responsibilities are, and has the training to accomplish these assignments. These are the goals of any effective security plan, and we have mature programs in this regard.

There has been some debate over international maritime law and various jurisdictional issues with respect to providing protection for U.S. citizens. Ships are mobile, and they cross international boundaries. Therefore, a variety of governmental entities exercise law enforcement authority over each ship based upon where it is located. It becomes a matter of diplomatic negotiation as to which country takes the lead in applying its laws and which country follows.

Congress has recognized these well-established principles, and has passed several laws that reinforce the notion that the United States may enforce its laws on board ships wherever they operate in the world when U.S. citizens or U.S. interests are involved.

18 U.S.C., the Special Maritime and Territorial Jurisdiction of the United States, has already been discussed, and the Coast Guard's broad authority under 14 U.S.C. 89. The United States can and does assert jurisdiction based upon the residence and location of the victim or perpetrator, the site of the incident, the nature of the act in question, our own national interest in the matter, regardless of any other factors such as the ship's registration or itinerary.

Any alleged criminal acts occurring on the high seas involving U.S. citizens are reported to the appropriate law enforcement agencies, which may include the FBI. Other incidents affecting security are reported to the flag state, in addition to any reporting requirements applicable in the United States.

In 1999 our membership publicly adopted a policy of zero tolerance for crime, that requires allegations of on board crime be reported to the appropriate law enforcement authorities, which for vessels calling on U.S. ports or crime involving U.S. citizens would appropriately include the FBI.

To summarize, the cruise industry is one of the most highly regulated industries in the world today. U.S. law protects American passengers on board cruise ships. The U.S. Coast Guard has jurisdiction over all ships entering U.S. ports, regardless of flag. The FBI, by virtue of Federal statutes and longstanding legal precedent, has jurisdiction to investigate allegation of serious crimes on board ships. This power specifically extends to incidents in international waters involving Americans.

Regarding piracy. A cruise ship is comparable to a secure building with a 24-hour security guard. Since vessels operate in a controlled environment, access to the ship can be strictly enforced. Available information indicates that crime on board ships is extremely low compared to similar incidents reported ashore, undoubtedly, due to the nature of a cruise environment where pas-

sengers and crew are screened and access is strictly limited. The recent attack on the Seabourn Spirit is the first known attempt of piracy against a cruise vessel in the past 20 years, despite there being over 3,900 incidents against commercial shipping in general throughout the world this year.

In the case of a piracy incident, cruise ships are fitted with ship security alert systems to immediately notify a competent authority of the attack. The security teams are on board, are well trained in methods to prevent unauthorized access to the vessel at sea or in port.

To conclude, cruising continues to be one of the safest modes of transportation available today. Our highest priority is the safety and security of our passengers, crew and vessels, and our safety record is a testament. Over 90 million passengers have safely sailed on cruise ships over the past 20 years. While incidents are rare, we are not dismissive, nor do we shirk our responsibility as an industry to accomplish and address such matters—to acknowledge and address such matters.

For those individuals, who are missing loved ones, the ICCL and our membership, extend our deepest sympathies. While it is impossible for an outsider to feel their pain, what we can do as an industry is to do our best to minimize the chances of a crime of any sort on our ships, and if that happens, to do our best to ensure those crimes are properly investigated and prosecuted.

Thank you very much, chairman.

[The prepared statement of Mr. Crye follows:]



INTERNATIONAL COUNCIL
OF CRUISE LINES

STATEMENT OF
J. MICHAEL CRYE
PRESIDENT
INTERNATIONAL COUNCIL OF CRUISE LINES

ON

INTERNATIONAL MARITIME SECURITY

BEFORE THE

U.S. HOUSE OF REPRESENTATIVES

COMMITTEE ON GOVERNMENT REFORM

SUBCOMMITTEE ON NATIONAL SECURITY, EMERGING THREATS AND
INTERNATIONAL RELATIONS

AND THE

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN
RESOURCES

ON

DECEMBER 13, 2005

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Good morning Chairmen and members of the Committee. My name is Michael Crye; I am the President of the International Council of Cruise Lines. Thank you for the opportunity to present testimony on behalf of the cruise industry.

The ICCL is the cruise industry trade association representing 15 leading cruise lines and approximately 100 companies providing goods and services to the member lines. Our members carry approximately 90% of the passengers in the North American vacation market. The mission of the ICCL is to participate in the regulatory and policy development process and promote all measures that foster a safe, secure and healthy cruise ship environment. The ICCL advocates industry positions, actively monitors international shipping policy, and helps to formulate, review and update best industry practices for and among its membership on a wide variety of issues. The trade association regularly attends meetings as a non-governmental consultative organization to the International Maritime Organization (IMO), and also represents its membership at the International Labor Organization. ICCL vessels operate around the globe and call at more than 800 ports worldwide.

Today, I am testifying about our security practices and jurisdictional protocols and how many people have cruised safely over the past few years, however, there have been a few passengers that have regrettably had other experiences. My testimony cannot lessen their pain, no matter how rare the incidents are that we talk of today. It doesn't make them any less relevant or serious. We recognize that and send our sympathies and condolences to those passengers and their families.

Over the past 20 years, the cruise industry has grown at a rate of approximately 8 percent per year while continuing to be rated as one of the highest vacation options with outstanding guest approval ratings. The industry also has an enviable record when it comes to safety and security. In 1995, the U.S. Coast Guard published the *Report of the Cruise Ship Safety Review Task Force* and issued the following opinion: **“Passenger Vessels operating from US ports are among the safest modes of transportation available.”** I know of no reason for this opinion to have changed in the past ten years.

For many years, cruise lines have had on board security plans and procedures in place. These plans were tested by the events of 9/11. That day, by any measure, was a landmark event for the United States as well as the international community. On the afternoon of 9/11, the ICCL convened a conference call of our membership and, by acclamation, our members raised shipboard and terminal security practices to the highest level that was identified under the existing security plans on file with the U.S. Coast Guard. These practices, which form the base line for what is in place today, include x-raying or examining every person, piece of luggage and all supplies loaded on board the vessels. All passengers are screened prior to boarding and properly identified with appropriate reservations and traveling documents. Each crewmember, under longstanding practice for vessels operating from U.S. ports, holds a U.S. seafarers visa and has thus undergone a U.S. State Department background check prior to visa issuance and serving on the vessels. Because of these proactive measures, ICCL members achieved the highest security level on the morning of Sept. 12, 2001, an achievement that many other modes of transportation continue to struggle with today. In addition, beginning on Sept. 12, 2001, the

ICCL began a series of daily conference calls with U.S. security agencies that lasted for approximately the next 90 days.

In the aftermath of 9/11, Congress passed landmark legislation, the Maritime Transportation Security Act (MTSA), and concurrently, the United States led the way to a new international agreement called the International Ship and Port Facility Security (ISPS) Code, which was finalized at the International Maritime Organization (IMO) as part of the International Convention for Safety of Life at Sea in 2002. MTSA and the ISPS Code became effective throughout the world on July 1, 2004. Under both U.S. law as well as the ISPS Code, cruise ship security plans and practices were utilized as the blueprint for the development of those that are applicable throughout maritime industry today.

These security requirements include: Comprehensive ship and terminal security assessments, extensive ship and terminal security plans that are approved by relevant authorities, designation of qualified company, ship and terminal security officers, mandatory security drills and exercises, Ship Security Alert Systems, periodic audits with subsequent updating of security plans as indicated, and requirements for improved communication and coordination between ship and terminal operators.

In the United States and other countries, requirements have been enacted so that ships must provide specific pre-arrival or pre-departure information to appropriate authorities. That information includes the name, date of birth, address, citizenship, passport or traveling document number and other data for each and every person on board. This information, normally provided

96 hours before arrival in port and prior to departure for any cruise ship whose voyage is originating in the United States, is screened by authorities to identify persons who should not be sailing or are wanted for some crime.

The ICCL is proud to have played an important role in the development of the world standard for security practices. These practices have been proven to be effective for our member operators and demonstrate that in the event of a security incident, there is an established plan that can be rapidly implemented. Each and every crewmember on board and in the management chain knows what his or her responsibilities are and has the training to accomplish his/her assigned responsibilities. These are the goals of any effective security plan, and we have very mature programs in this regard.

There has been much debate over the idea that ships that are not flagged in the United States must rely, at least to some degree, on foreign governments to provide protection for U.S. citizens. However, various nations, *such as the United States*, can and regularly do assert jurisdiction over ICCL vessels under international law based upon a number of well-established factors. Congress can enact criminal laws that apply extraterritorially if any of the five criteria below are met:

- First there is "territorial" jurisdiction. If a ship enters or an act occurs within the territory of a particular country, then that country's laws apply. This is true for any international traveler. Legally, a ship is also considered to be part of the territory of the flag state

where it is registered, and thus the flag state's laws also apply on board that ship, in addition to the laws of the country where the ship is physically located.

- Second, under the "national" theory, the country where any alleged criminal perpetrator resides has jurisdiction over a matter involving the perpetrator's conduct.
- Third, the nation with custody of any alleged perpetrator for certain types of crimes can claim jurisdiction under the "universality" principle. Piracy, for example, has been identified as such a criminal act and every country has jurisdiction to take enforcement action against persons in that country's territory for acts of piracy that occur on the high seas.
- Fourth, under the "passive personality" doctrine, *the nation where the victim resides can exercise jurisdiction over the matter, regardless of where it occurs.*
- *And fifth, any country whose national interests are affected by an incident can assert "protective" jurisdiction.*

From the above discussion one can identify events that could occur for which a number of different countries could have jurisdiction and authority to take enforcement action. The United States can and does assert jurisdiction based on the residence and location of the victim or perpetrator, the site of the incident, the nature of the act in question or our own national interest in the matter, regardless of any other factors such as the ship's registration or itinerary. For example: consider a criminal act perpetrated against a U.S. citizen occurring on a Bahamian flagged ship in the territorial waters of Spain. All three countries may have jurisdiction to apply their laws, to investigate and to take criminal action. It becomes a matter of diplomatic negotiation as to which country takes the lead in applying its laws and which country follows.

Congress has recognized these well-established principles, and has passed several laws that reinforce the notion that the United States may enforce its laws on board ships wherever they operate in the world when U.S. citizens or interests are involved.

Crimes Committed Within the Special Maritime Jurisdiction of the United States (arson 18 USC 81, assault 18 USC, 113, maiming 18 USC 114, murder 18 USC 1111, homicide 18 USC 1112, kidnapping 18 USC 1201, sexual assault, rape 18 USC 2241, and robbery and burglary 18 USC 2111)

The "special maritime and territorial jurisdiction of the United States" has been expanded to include any place outside the jurisdiction of any nation when the offense is committed by or against a national of the United States (*see* 18 U.S.C. § 7(7)). Among the offenses within the special maritime and territorial jurisdiction of the United States are the crimes of murder, manslaughter, maiming, kidnapping, rape, assault, and robbery. Pursuant to 18 U.S.C. § 7(1) there is also jurisdiction over such offenses when they are committed on the high seas or any other waters within the admiralty and maritime jurisdiction of the United States that is out of the jurisdiction of any particular state. *See* USAM 9-20.000 et seq. (Maritime, Territorial and Indian Jurisdiction).

In addition, 14 USC 89 provides the U.S. Coast Guard with very broad authority to enforce the laws of the United States on the high seas.

Sec. 89. Law enforcement

(a) The Coast Guard may make inquiries, examinations, inspections, searches, seizures, and arrests upon the high seas and waters over which the United States has jurisdiction, for the prevention, detection, and suppression of violations of laws of the United States. For such purposes, commissioned, warrant, and petty officers may at any time go on board of any vessel subject to the jurisdiction, or to the operation of any law, of the United States, address inquiries to those on board, examine the ship's documents and papers, and examine, inspect, and search the vessel and use all necessary force to compel compliance. When from such inquiries, examination, inspection, or search it appears that a breach of the laws of the United States rendering a person liable to arrest is being, or has been committed, by any person, such person shall be arrested or, if escaping to shore, shall be immediately pursued and arrested on shore, or other lawful and appropriate action shall be taken; or, if it shall appear that a breach of the laws of the United States has been committed so as to render such vessel, or the merchandise, or any part thereof, on board of, or brought into the United States

by, such vessel, liable to forfeiture, or so as to render such vessel liable to a fine or penalty and if necessary to secure such fine or penalty, such vessel or such merchandise, or both, shall be seized.

The Federal Bureau of Investigation (FBI) is the lead agency in enforcing the 18 USC provisions outlined above. In recognition of this fact, in 1999 our membership issued the following public statement implementing a policy of **“zero tolerance for crime:”**

“This policy establishes a single industry standard that requires allegations of onboard crime be reported to the appropriate law enforcement authorities which, for vessels calling on U.S. ports or crime involving U.S. citizens, would include the Federal Bureau of Investigation.

Our companies, and our industry as a whole, have zero tolerance for crimes committed on our vessels. If crimes do occur, the appropriate law enforcement authorities will be called in to investigate and prosecute to the fullest extent of the law. We will continue to cooperate with the authorities to ensure that perpetrators of crime are brought to justice.”

Our commitment in this regard extends equally to law enforcement authorities in other nations, and I therefore draw your attention to international agreements regarding law enforcement between different nations. For example, the Commonwealth of the Bahamas is a flag state where many ICCL member ships are registered. As a commonwealth, the Bahamas has extensive ties to the United Kingdom including coordination of law enforcement and national defense. Most Bahamian laws are derived from UK laws, their courts are very similarly constituted, and the Bahamas maintains a number of bi-lateral and multi-lateral law enforcement agreements with the United States. In addition, the Bahamas is signatory to a number of mutual defense treaties involving the Americas, as are most of our Caribbean neighbors. The membership of ICCL has an excellent cooperative relationship with the Association of Caribbean Commissioners of Police (ACCP) where we are establishing and enhancing systems for ensuring a comprehensive database exists for vetting those persons wishing to work or do business with the cruise industry.

These efforts merely supplement our close working relationship with the FBI and local law enforcement authorities in the ports we serve throughout the United States.

To summarize, the cruise industry is one of the most highly regulated industries in the world today. U.S. law protects American passengers on board cruise ships. The United States is signatory to a number of maritime bi-lateral and multi-lateral agreements with other countries that allow for investigation and prosecution of crimes against Americans. The U.S. Coast Guard has jurisdiction over all ships entering U.S. ports, regardless of flag. The FBI, by virtue of federal statutes and long-standing legal precedent, has jurisdiction to investigate allegations of serious crimes on ships. This power specifically extends to incidents in international waters involving Americans. The FBI routinely exercises this authority throughout the shipping industry. By contrast, victims of crime occurring ashore in foreign countries not in connection with a cruise rarely have recourse to the FBI or its extensive national and international resources.

Through this discussion, I trust I have answered your inquiry regarding what international and national laws pertain to security of Americans on board ships traveling outside of territorial waters. Next, I would like to give an overview of cruise ship security which will address the subcommittee's remaining questions.

Ships are mobile. They travel from jurisdiction to jurisdiction crossing state and national boundaries. Therefore, as outlined, a variety of governmental entities exercise law enforcement authority over each ship based upon where it is located. As mentioned above, alleged criminal acts involving U.S. citizens are reported to the appropriate law enforcement agencies which may include the FBI. Other incidents affecting security are reported to the flag state, in addition to any reporting requirements applicable in the United States, such as Coast Guard incident reports.

Available information indicates that incidents on board ships are extremely low compared to similar incidents reported ashore, undoubtedly due to the nature of a cruise ship environment where passengers and crew are screened and access is strictly limited.

National Statistics:

Missing Persons

Ashore

- More than 2,000 people are reported missing in the United States every day (FBI).
- On average, there are over 100,000 missing persons listed in the National Crime Information System (NCIC).
- Therefore in the United States, one person out of every 2800 goes missing every year

Cruise

- More than 10 million people went on cruise vacations in 2004.
- From reports, it can be estimated that 13 persons (passengers) have gone missing off ICCL member cruise ships in the past two years.
- Therefore in these two years, less than 1 person per 1 million passengers went missing.

Crime

- 1 in every 1,000 people is raped or sexually assaulted each year according to the Bureau of Justice (BJS)
- Cruise ships: 1 alleged sexual assault per 100,000 passengers (based on statistics produced in a court case)
- According to the FBI, there were 1.4 million offenses of violent crime (murder, rape, robbery, aggravated assault) in 2004.
- National Rate: 465.5 violent crimes per 100,000 inhabitants
- Approximately 50 cruise ship crimes against U.S. citizens are reported to the FBI each year (FBI)
- Cruise Ships: 1 crime per 200,000 cruise passengers

While incidents of crime on board cruise ships are rare, we are not dismissive nor do we shirk our responsibility as an industry to acknowledge and address such matters. For those individuals who are missing loved ones, the ICCL and our membership extend our deepest sympathies and assure them that our membership takes all such allegations and confirmed incidents very seriously, reports them to the proper authorities, and fully cooperates in any investigation.

A cruise ship is comparable to a secure building with a 24-hour security guard. Since vessels operate in a controlled environment, access to the ship can be strictly enforced. Crime is extremely rare on board cruise vessels as shown by our previous discussion and in comparison to similar incidents reported ashore. Nevertheless, it is important for all travelers to be observant of one's possessions and in control of one's faculties at all times. Cruise passengers are reminded of this, as they are in any hotel, by safety information, daily bulletins, port visit briefings and the provision of a room safe or safety deposit box. If there are any particular dangers that warrant the implementation of higher security levels on the ship, the Maritime Transportation Security Act (MTSA) requires that passengers be given a briefing to ensure awareness.

All ships operated by ICCL lines maintain strict security protocols, with concomitant training, in compliance with a number of national and international mandates. These are set forth in more detail below.

- Each ship has a designated security officer and a team of security personnel whose sole responsibility is safety and security.
- Ship security personnel are typically former military or law enforcement from around the world and are trained specifically in respect to maritime security as set forth in the ISPS Code and MTSA regulations.
- Extensive security plans were in effect and approved by the U.S. Coast Guard from 1996-2004. In 2004, these plans were updated in accordance with ISPS Code requirements.
- These plans enable the ship to increase its security measures at a moment's notice.

- Ship security personnel are trained in the basic principles of crime scene preservation. Customarily, the scene will be secured awaiting release by the appropriate law enforcement authority.

On a regular basis as well as upon request, the ICCL facilitates the exchange of information between a cruise line and the appropriate law enforcement organizations. Additionally, the ICCL assists in the dissemination of information between ICCL member lines when a security incident is of industry interest. Facilitation is provided by means of e-mails, conference calls and more often through meetings of the ICCL security committee.

In the case of a piracy incident, cruise ships are fitted with Ship Security Alert Systems to immediately notify a competent authority of the attack. The security teams on board are well trained in methods of repelling pirates; however, it is industry policy to not discuss operational security matters in public forums. The ICCL's role in such an incident is to facilitate the exchange of information between government agencies and the cruise line involved. The ICCL will also ensure that all our other member lines are aware of the incident and can take proactive measures for any ships they may have in the vicinity.

The ICCL security committee is comprised of corporate security officers from each cruise line. Many of these corporate security officers have backgrounds in law enforcement, the military or the FBI. Committee meetings have taken place approximately every 60 days since 1996 and include various government enforcement and intelligence agencies to share port and ship

security, law enforcement and criminal information as well as federal intelligence assessments and terrorism information. Agencies involved on either a temporary or permanent basis include:

- United States Coast Guard
- Department of Transportation S-60
- Office of Naval Intelligence
- Department of State
- United States Customs and Border Protection
- Federal Bureau of Investigation
- Department of Defense
- Central Intelligence Agency
- Department of Homeland Security
- Transportation Security Administration

For the purpose of these meetings and sharing classified intelligence and threat assessments, several members of ICCL and the ICCL Security Committee have obtained secret security clearances. In these meetings, items such as best practices, methods of information sharing, threat analysis and coordination are routinely discussed with the specific intent of increased security and safety. The success and value of these information sharing meetings can be gauged by the fact the principals from both industry and the government have continued these meetings for the past nine years despite no requirement to do so.

With regard to training, most of the training provided to company or shipboard personnel is a function of individual company security requirements as mandated by MTSA and/or the ISPS Code. However, the ICCL may facilitate these efforts as exemplified by a recent international conference, the *ISPS Implementation Workshop*, which was jointly hosted with the Florida-Caribbean Cruise Association and the American Association of Port Authorities. This conference focused on the new requirements of the ISPS Code and was attended by 100

representatives from cruise lines, government officials, and countries representing the greater Caribbean Basin, Mexico and South America.

The ICCL has, upon invitation from our member lines, participated in several company security training sessions. Additionally, ICCL and ICCL member cruise lines have participated in numerous regional IMO-sponsored training sessions and security exercises conducted by the United States Coast Guard and the Department of Homeland Security.

As mentioned earlier, ICCL executives fully participated in the drafting and development of the International Ship and Port Facility Security (ISPS) Code at the International Maritime Organization (IMO) which implemented port and vessel security procedures worldwide. Members of the ICCL staff regularly participate in federal committees or working groups such as the Data Management Improvement Act Task Force, the U.S. Customs and Border Protection Airport and Seaport Inspections User Fee Advisory Committee, and the Department of State Shipping Coordinating Committee. In addition, a senior member of the ICCL staff is currently serving on the National Maritime Security Advisory Committee, which provides advice to the Department of Homeland Security regarding matters of national maritime security strategy and policy, international cooperation on security issues and actions required to meet current and future security threats.

To conclude, cruising continues to be one of the safest modes of transportation available today. Our highest priority is the safety and security of our passengers, crew and vessels, and our safety record is a testament, as over 90 million people have safely sailed on cruise ships over the past

20 years. We will continue to work with law enforcement agencies around the world to make sure we have the latest intelligence and security measures in place.

While it is impossible for an outsider to feel the pain of families who are missing their loved ones, what we can do as an industry is to do our best to minimize the chances of crime of any sort on our ships, and if it happens, to do our best to ensure those crimes are properly investigated and prosecuted.

Mr. SHAYS. Thank you, Mr. Crye.
Mr. Purdy.

STATEMENT OF GREGORY M. PURDY

Mr. PURDY. Chairman Shays, Chairman Souder, Congressman Cummings, my name is Greg Purdy. I am the director of safety, security and environment for Royal Caribbean Cruises, Limited.

I am a graduate of the U.S. Coast Guard Academy and served in the U.S. Coast Guard for 16 years in a variety of positions, one of which was a commanding officer of a cutter. My experience includes law enforcement activities, narcotics and migrant interdiction and security matters both within the United States and internationally. I have been with Royal Caribbean almost 5 years, the majority of that time in my current position.

The highest priority of our company is to ensure the safety and security of all our guests and crew members. We care about everyone on our ships, and we are truly concerned about their well-being. We do this because it's the right thing to do, and because it's just good business.

As you know, crime can touch any of us in virtually any settings. This is one of the sad realities of our society today. In terms of our ships, one crime is one too many. It is impossible to be immune to crime. However, we work diligently to prevent it, and we're committed to the safety and security of everyone on board our ships.

Since the founding of our company some 35 years ago, we've maintained a safety and security focused culture. This includes close working relationships with law enforcement agencies in the United States and throughout the world, extensive security policies and procedures, a significant security staff and infrastructure, and the utilization of state-of-the-art security technology. Our company works regularly and closely with the Department of Homeland Security, the Department of State, the U.S. Coast Guard, the Federal Bureau of Investigation, U.S. Customs and Border Protection, Immigration and Customs Enforcement, the Drug Enforcement Administration, as well as Interpol and various foreign authorities.

Likewise, Royal Caribbean actively participates in an industry-based security committee, which is part of the International Council of Cruise Lines. To facilitate these activities involving various Federal law enforcement agencies, members of our own staff have U.S. security clearances and secure methods of communications provided by the Federal Government. We work with these agencies as well as with private security consultants to identify and mitigate security risks wherever we operate.

Regarding our ships, our security measures include the screening of all luggage, carry-ons, provisions. This screening is conducted with x-ray machines, metal detectors, hand searches, sniffer dogs and other methods. Every one of our ships has a chief security officer who is a trained military veteran or a career security specialist. Their sole responsibility is to ensure the safety of our guests and crew. These security officers oversee teams of trained security staff who are responsible for security procedures on board our ships 24 hours a day. Surveillance cameras throughout our ships assist in these efforts.

All of our ships use an access control system we call SeaPass. The SeaPass system provides all guests and crew members with an ID card similar to a credit card, which provides us access to their digital photo and personal identification information. Each time a guest or crew member boards or departs a ship, they must swipe their card. Security staff compare the photo and personal identification information on a computer screen with the person standing before them. This technology allows the ship to know which guests and crew members are registered on board and which are not at any given time.

All guests and crew members at all sailings are placed on an official manifest. Ships sailing to or from the United States submit these manifests in advance to U.S. Federal law enforcement agencies for analysis.

Our company also maintains a strict zero tolerance policy on crime. Whenever an allegation of crime involves a U.S. citizen, it is our policy and our practice to report it to the FBI. As I stated previously, on matters related to safety and security, we work closely with the FBI, the U.S. Coast Guard, international authorities and private security consultants.

Cruise ships are one of the safest ways to travel, and crime on board cruise ships is extremely rare. On those occasions when an allegation does arise, we work very hard to assist our guests or crew members as well as their families, and we fully cooperate with any investigation conducted by any law enforcement agency or prosecutor's office. Again, we do this because it's the right thing to do and because we are genuinely concerned about everyone on board our ships.

We understand the impact a crime can have, not only on the victim, but also on family members and traveling companions. We constantly work to prevent such events, but should they arise, we cooperate fully with law enforcement agencies in their investigation and assist those affected.

I would like to take a moment to address an issue of particular interest to you, Chairman Shays, the matter of George Smith. The Smith family has suffered a tragic loss, and we extend our deepest sympathies to them.

We do not know what happened to George Smith, only that he tragically disappeared from a cruise, but we continue to cooperate fully with the FBI in hope that the agency will be able to provide solid answers and some measure of closure for the Smith family.

As to Royal Caribbean's efforts, we believe that despite this terrible tragedy, the cruise line handled George Smith's disappearance correctly and responsibly. Specifically, we responded to the sole complaint made by a guest, we promptly called in the FBI and local authorities to conduct an investigation. We secured the Smiths' cabin and the metal overhang, and we conducted a thorough search of the ship.

We subsequently interviewed guests and crew who had any knowledge of the Smiths' whereabouts that night, and we collected all possible evidence, from security camera tapes to charge-card receipts, and provided it to the FBI.

We know this is a traumatic time for George Smith's wife, parents and other family members and friends, but we believe we re-

sponded appropriately, and we will continue to work with the FBI until George Smith's disappearance is explained.

In closing I would only reiterate that our company and our industry maintain robust safety and security policies and practices. However, as I previously stated, even one incident is one too many.

We are committed to providing a safe and secure environment for everyone on board our ships, and the well-being of our guests and crew will always remain the highest priority.

Thank you again for this opportunity to testify. I would be happy to answer any questions.

[The prepared statement of Mr. Purdy follows:]

**Testimony of
Gregory M. Purdy
Director of Safety, Security and Environment
Royal Caribbean Cruises Ltd.**

**Before the House Subcommittee on
National Security, Emerging Threats, and International Relations**

**And the House Subcommittee on
Criminal Justice, Drug Policy and Human Resources**

December 13, 2005

Chairman Shays, Chairman Souder, and Subcommittee members, it is a pleasure to be here today.

My name is Greg Purdy. I am the director of Safety, Security and Environment for Royal Caribbean Cruises Ltd., a global cruise vacation company operating 28 ships under the Royal Caribbean International and Celebrity Cruises brands.

Regarding my background, I am a graduate of the U.S. Coast Guard Academy and have earned a post graduate degree. I served in the U.S. Coast Guard for 16 years in a variety of positions, one of which was the commanding officer of a cutter. My experience includes law enforcement activities, narcotics and migrant interdiction and security matters – both within the United States and internationally. I have been with Royal Caribbean almost five years, the majority of that time in my current position.

As you can see, my career has focused on safety and security issues, both within the U.S. government and the private sector.

To begin, I would like to provide you with an overview of the extensive measures taken by our company concerning safety and security operations onboard our ships. I will then address the specific questions you provided in your letter of invitation to this hearing.

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The highest priority of our company is to ensure the safety and security of all our guests and crew members. We care about everyone on our ships. We are concerned about their wellbeing. We do this because it is the right thing to do, and, because it is just good business.

As you know, crime can touch any of us – in virtually any setting. This is one of the sad realities of our society today. In terms of our ships, one crime is one too many. It is impossible to be immune to crime, but we work diligently to prevent it and we are committed to the safety and security of everyone onboard our ships.

Since the founding of our company, some 35 years ago, we have maintained a safety- and security-focused culture. This includes close working relationships with law enforcement agencies in the United States and throughout the world, extensive security policies and procedures, a significant security staff and infrastructure, and the utilization of state-of-the-art security technology.



Royal Caribbean actively participates in an industry-based security committee, which is part of the International Council of Cruise Lines. This group, which involves a variety of U.S. federal law enforcement agencies, meets every 60 days to discuss coordination between our industry and these agencies, and many other security issues. To facilitate these activities involving various law enforcement agencies, members of our staff have U.S. security clearances and secure methods of communications. We work with these agencies, as well as with private security consultants, to identify and mitigate security risks in all areas of the world in which we operate.

Regarding our ships, our security measures include the screening of all luggage, carry-ons and provisions coming onto our ships. This screening is conducted with X-ray machines, metal detectors, hand searches, sniffer dogs and other methods.

Every one of our ships has a Security Officer, who is a trained military veteran or career security specialist. Their sole responsibility is to ensure the safety of our guests and crew. These Security Officers oversee teams of trained security staff who are responsible for security procedures onboard our ships – 24-hours a day. Surveillance cameras throughout our ships assist these efforts.

Our onboard security operations also include trained divers on each ship. These divers can search ship hulls and ports at which we call, and work in coordination with various law enforcement agencies.

All of our ships use an access control system we call SeaPass. This system is not mandated – rather it is a company initiative we have chosen to implement. The SeaPass system provides all guests and crew members with an ID card – similar to a credit card – which provides us access to their digital photo and personal identification information. Each time a guest or crew member boards or departs a ship, they must swipe their card. Security staff compare the photo and personal identification information on a computer screen with the person standing before them. This technology allows the ship to know which guests and crew members are registered onboard and which are not – at any given time. This card also serves as the stateroom key for guests.

Our company works regularly and closely with local, state, federal, and international authorities, such as the port authorities where our ships call, the Department of Homeland Security, the Department of State, the U.S. Coast Guard, the Federal Bureau of Investigation, U.S. Customs and Border Protection, Immigration and Customs Enforcement, the Drug Enforcement Administration, as well as Interpol and various foreign authorities.

The close relationships we have built and maintain with these agencies, have served to further enhance the safety and security of everyone onboard our ships.

All guests and all crew members, on all sailings, are placed on an official manifest. Ships sailing to or from the U.S. submit these manifests in advance to U.S. federal law enforcement agencies for analysis. The manifests are reviewed for a variety of reasons, primary among them, safety and security issues.

Additionally, all of our crew members throughout the world who are not U.S. or Canadian citizens are required to have a U.S. C1 / D visa – which includes vetting by the U.S. Department of State.

There are additional measures in place to ensure the security of our guests and crew. However, in order to maintain an effective and meaningful security environment, these confidential security procedures cannot, for obvious reasons, be discussed publicly, in detail. I would be happy to meet with you or your staff privately, should the need arise to discuss some of these sensitive issues.

Our company maintains a strict zero-tolerance policy on crime.

Whenever an allegation of a crime involves a U.S. citizen, it is our policy and our practice to report it to the Federal Bureau of Investigation. As stated previously, on matters related to safety and security, we work closely with the FBI, the U.S. Coast Guard, international authorities and private security consultants.

Cruise ships are one of the safest ways to travel – and crime onboard cruise ships is extremely rare. On those occasions when an allegation does arise, we work very hard to assist our guests or crew members, as well as their families. We fully cooperate with any investigation conducted by any law enforcement agency or prosecutor's office. Again, we do this because it's the right thing to do, and, because we are genuinely concerned about everyone onboard our ships.

We understand the impact a crime can have, not only on the victim, but also on family members and traveling companions. We constantly work to prevent crime from occurring, to cooperate with law enforcement agencies in their investigation, and to assist those who are affected.

I would like to take a moment to address an issue that is of particular interest to you Chairman Shays. This is the matter of George Smith.

The Smith family has suffered an unimaginable loss, and we extend our deepest sympathies to the family.

We do not know what happened to George Smith – only that he tragically disappeared from a cruise – but we continue to cooperate fully with the FBI in the hope that the agency will be able to provide solid answers and some measure of closure for the Smith family.

As to Royal Caribbean's efforts, we believe – that despite this terrible tragedy – the cruise line handled George Smith's disappearance correctly and responsibly. Specifically, we responded to the sole complaint made by a guest, we promptly called in the FBI and local authorities to conduct an investigation, we secured the Smith's cabin and the metal overhang and we conducted a thorough search of the ship.

We subsequently interviewed guests and crew who had any knowledge of the Smith's whereabouts that night, and we collected all possible evidence – from security-camera tapes to charge-card receipts – and provided it to the FBI.

We know this is a traumatic time for George Smith's wife, parents, other family members and friends, but we believe we responded appropriately, and we will continue to work with the FBI until George Smith's disappearance is explained.

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In reference to the issues you outlined in your letter of invitation, I provide you with the following information.

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With regard to national and international laws involving security, I would defer to Michael Crye, president of the International Council of Cruise Lines. He is best suited to explain those issues on an industry-wide basis. In addition to Mr. Crye's comments, I would reiterate that whenever a U.S. citizen is involved in an alleged crime, the FBI is notified by our company. As I previously stated, on security matters we work closely with the Department of Homeland Security, the Department of State, the U.S. Coast Guard, the Federal Bureau of Investigation, U.S. Customs and Border Protection, Immigration and Customs Enforcement, the Drug Enforcement Administration, as well as Interpol and various foreign authorities.

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In reference to statistics regarding security incidents, our company operates in the same manner as others in the hotel, resort, vacation and leisure industries. Incidents or allegations are reported to the appropriate law enforcement agencies. We then work with those agencies to determine the best course of action to ensure the safety of our guests and crew. In the case of an alleged crime, prosecutors work with those agencies to determine if sufficient evidence exists to bring a prosecution. As with the other industries I mentioned, the public is able to contact the appropriate agencies to seek any statistics they maintain.

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Although terrorism and piracy have never impacted our ships, we prepare for these issues in a variety of ways. In the exceedingly rare circumstance where our company has received a threat – and, it is worth noting that we have never received a threat that the FBI has deemed credible – we immediately contact the FBI and the U.S. Coast Guard. In these situations, we work in close coordination with these agencies. This has involved providing our guests with letters informing them of the situation, explaining the involvement of the agencies, and our cooperation in the investigation.

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Our company has a variety of procedures in place to deal with possible attacks on our ships. These are internationally recognized methods used by maritime organizations throughout the world. As I mentioned previously, this is an issue that touches on sensitive security procedures that could be rendered ineffective if discussed in a public forum such as this. I would be happy to meet with you and your staff privately to have a detailed discussion on specific tactics we would employ.

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As I mentioned earlier, should a crime be alleged involving a U.S. citizen, regardless of where the ship is in the world, the matter is reported to the FBI – and to all other appropriate law enforcement agencies. It is also our policy to fully cooperate with any investigation conducted by any law enforcement agency.

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Our ships operate under the Maritime Transportation Security Act, passed by Congress following 9/11, the International Ship and Port Facility Security Code, as well as the International Safety Management Code. Under these security protocols, the worldwide maritime industry has actually adopted many of the security plans and practices previously developed and implemented by the cruise industry.

These requirements include comprehensive ship and terminal security plans, mandatory security drills and exercises, ship security alert systems, and annual audits from which we update and enhance our security plans. Additionally, our company participates in various U.S. and international training and security exercises, many of which are conducted by the U.S. Coast Guard and the Department of Homeland Security.

As previously stated, our onboard Security Officers are made up of trained military veterans and career security specialists. These security officers include veterans from the British Royal Navy, Israeli Special Forces and Nepalese Gurkhas. All security staff receives training regarding the International Ship and Port Facility Security Code along with training regarding the use of technical equipment and other security techniques. It should also be noted that all crew members receive security awareness training.

As I have outlined today, our company and our industry maintain robust safety and security policies and practices. However, I would reiterate that even one incident is one too many.

We are committed to providing a safe and secure environment for everyone onboard our ships. Put simply, the wellbeing of our guests and crew will always remain as our highest priority.

Thank you again for this opportunity to testify before you today. I would be happy to answer any questions you may have.

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Mr. SHAYS. Thank you, Mr. Purdy.
Mr. Mandigo.

STATEMENT OF CHARLES E. MANDIGO

Mr. MANDIGO. Thank you. Chairman Shays, Chairman Souder, and subcommittee member Cummings, my name is Charlie Mandigo, and on behalf of Carnival Corp., I wish to thank you for inviting me to testify before you today regarding issues related to international maritime security. I am here today in my capacity as director of fleet security for Holland America Line, Inc., a Carnival Corp. company, a position I have held for over 2 years.

Immediately prior to joining Holland America, I served with the Federal Bureau of Investigation for 27 years, working out of offices in New York, Chicago, Washington, DC, and Seattle. In my final assignment, I served as Special Agent in Charge of the Seattle Office, where I was responsible for all FBI matters in the State of Washington. I have been involved in numerous high-profile domestic and international terrorism investigations, including overseeing the investigation of Ahmed Rassam, the so-called Millennium Bomber, who was convicted in 2001 for attempting to blow up the Los Angeles International Airport during peak air travel in December 1999.

As director of fleet security, I am respondent for overseeing the security of Holland America's 12 cruise ships and three other vessels owned by another Carnival subsidiary, Windstar Cruises. As you may know, Carnival Corp. and PLC operate a fleet of 79 modern passenger vessels, making it the largest cruise company in the world. The parent corporation's 12 widely recognized cruise brands serve markets in North and South America, the United Kingdom and mainland Europe, providing cruises to vacation destinations worldwide.

Because of its significant worldwide presence, Carnival is attuned to the importance of international maritime security and strives to provide a safe and secure cruise experience for its passengers. We are in regular contact with governmental authorities, other cruise industry companies, and the International Council of Cruise Lines in order to assess potential security threats and to deliver, develop preventive measure and possible responses to those threats. As part of this effort, we regularly participate in cruise industry security meetings, share security information within the industry and with governmental agencies, and interact with area maritime security committees.

Cruise ship security standards have been under development and improvement during the last 20 years. These requirements have recently been strengthened with the adoption of the International Ship and Port Facility Security Code and accompanying laws by the United States and other governments worldwide. These new security regimes have advanced the existing security measures for our passengers and our ships. Carnival works closely with foreign countries in which its vessels make port calls to assess potential threats to our passengers, and to ensure that it is compliant with applicable laws governing the security of our vessels.

In short, Carnival's highest priority is ensuring the safety and security of its ships' passengers and crew.

My written testimony has been submitted for the record, and I request it be accepted. I am pleased to be here to participate in this hearing, and I will be happy to answer any questions you may have.

[The prepared statement of Mr. Mandigo follows:]

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Statement of

Charles E. Mandigo
Director, Fleet Security
Holland America Line Inc.

Before the

United States House of Representatives
Committee on Government Reform
Subcommittees on
National Security, Emerging Threats, and International Relations,
and
Criminal Justice, Drug Policy, and Human Resources

On

International Maritime Security

December 13, 2005

Introduction

Mr. Chairman Shays, Mr. Chairman Souder, and members of the committee, on behalf of Carnival Corporation, I wish to thank you for inviting me to testify before you today regarding issues related to international maritime security. I am the Director of Fleet Security for Holland America Line Inc. a Carnival company, a position I have held for over two years. Immediately prior to joining Holland America, I served with the Federal Bureau of Investigation for twenty-seven years, working out of offices in New York, Chicago, Washington, D.C., and Seattle. In my final assignment, I served as Special Agent in Charge of the Seattle office, where I was responsible for all FBI matters in the State of Washington.

Background

Carnival Corporation & plc operates a fleet of seventy-nine modern passenger vessels, making it the largest cruise company in the world. The parent corporation's 12 widely recognized cruise brands serve markets in North and South America, the United Kingdom, and mainland Europe, providing cruises to vacation destinations worldwide.

Because of its significant worldwide presence and the necessity of ensuring the security of its passengers, Carnival is attuned to the importance of international maritime security and strives to provide a safe and secure cruise experience for its passengers. Carnival therefore works closely with our flag States, *i.e.* the countries in which our vessels are registered, and port States *i.e.* the countries in which our vessels make port calls, to ensure that we are compliant with applicable State laws governing the security of our vessels. Moreover, Carnival takes operational security aboard its vessels seriously and cooperates closely with its flag and port States to report and investigate security incidents as appropriate. To do otherwise would not only jeopardize the security of our passengers and crew, but also increase the costs of, or prohibit

altogether, Carnival's business in those States. In short, the safety of Carnival's crews and passengers is our highest priority.

Response to Subcommittee Questions

Against this background, I now wish to specifically address each of the six issues presented in the letter invitation from these subcommittees.

- *What international and national laws pertain to security of Americans on board ships traveling outside U.S. territorial waters?*

We agree with the statement of the International Council of Cruise Lines provided for this hearing in response to this question and therefore merely wish to reiterate what we believe are the key elements of the international and domestic security regime applicable to cruise vessels operating worldwide with U.S. citizens.

The cruise industry had security plans and procedures in place years before September 11, 2001. Congress enacted Title XI of the Omnibus Diplomatic Security and Antiterrorism Act in 1986 (constituting the International Maritime and Port Security Act) which amended the Ports and Waterways Safety Act and provided the Coast Guard with the authority to prevent and respond to acts of terrorism in waters subject to U.S. jurisdiction out to 200 nautical miles from the coastline. In the same year, the International Maritime Organization ("IMO") published Circular 443 "Measures to Prevent Unlawful Acts Against Passengers and Crews on Board Ships" to provide States with guidance for reviewing and strengthening port and onboard security.

In implementing Circular 443 domestically, the Coast Guard promulgated "Security of Passenger Vessels" regulations (33 C.F.R. § 120) in 1996. Pursuant to these regulations, the cruise industry, including Carnival, developed a security program, designated security officers,

submitted security plans to the Coast Guard for examination, and developed a program to report certain security incidents occurring aboard ship to federal law enforcement authorities.

Following September 11, 2001, new regulations to enhance maritime security were adopted by IMO in December 2002 through amendments to the Safety of Life at Sea ("SOLAS") Convention. Specifically, a new SOLAS Chapter XI-2, entitled Special Measures to Enhance Maritime Security, was adopted. The new chapter includes a requirement for ships and companies to comply with the International Ship & Port Facility Security Code ("ISPS Code"). The ISPS Code took effect on July 1, 2004. The ISPS Code is divided into two parts: Part A contains mandatory requirements, and Part B contains "guidance" regarding the implementation of Part A. These requirements apply to all vessels subject to SOLAS. All 135 States that are parties to SOLAS have a legal obligation to comply with the requirements of the ISPS Code. The flag State of a foreign-flag cruise vessel will issue an International Ship Security Certificate ("ISSC") certifying that the ship meets security system, security equipment, and vessel security plan requirements under SOLAS Chapter XI-2 and the ISPS Code.

Foreign-flag cruise ships calling at U.S. ports are deemed in compliance with most of the vessel maritime security regulations (33 C.F.R. Part 104) implemented pursuant to the Maritime Security Transportation Act of 2002 if they hold a valid ISSC issued by their flag State. In addition, foreign-flag vessels comply with security related information requirements contained in vessel Notice of Arrival requirements, and security measures implemented pursuant to area maritime security regulations (33 C.F.R. Part 103).

- *What types of statistics are kept concerning security incidents on board ships, and how is this data made available to the public?*

Each of Carnival's vessels maintains ship security reports. These reports contain information regarding reported security incidents that occurred during a voyage that resulted in some action by shipboard security personnel. For example, if an unauthorized individual embarked on the vessel, this event would be reported. Another example would be if a weapon was detected on a passenger while being screened, this event would also be reported. While Carnival reviews these reports as part of its ongoing efforts to assess and improve upon the effectiveness of vessel security, such sensitive information is not made available to the public in order to protect Carnival's internal security procedures.

- *How is the public informed about the risks from terrorist or piracy attacks and criminal activity during a voyage?*

The primary source of information regarding the risks from terrorist or piracy attacks and criminal activity is from State governments. Under the ISPS Code, States have the responsibility for setting the security levels at which vessels operate and providing guidance for protection from security incidents. Higher security levels indicate a greater likelihood of occurrence of a security incident. Vessels, depending on the security level and guidance received from a State, then implement security procedures contained in the Ship Security Plan as necessary and appropriate to respond to the mandated security level and guidance.

As an example of how this international requirement is applied at the State level, in the United States, the Coast Guard uses Maritime Security ("MARSEC") Levels to advise the maritime community and the public of the level of risk to vessels, ports, and other "maritime elements." Should there be a change in the MARSEC Level, the Coast Guard will inform the public utilizing a variety of different means, including a local Broadcast Notice to Mariners, e-

mail, or posting to the Coast Guard's public website. Additionally, the MTSA (46 U.S.C. § 70108) requires the Coast Guard to not only assess the effectiveness of antiterrorism measures maintained at foreign ports but also to provide public notice to passengers if ineffective antiterrorism measures at a foreign port are found.

- *What procedures does your organization take in the event one of your ships is attacked by terrorists or pirates?*

As required by the ISPS Code, each of Carnival's vessels carries a ship security plan detailing procedures to be followed in the event of a security incident, such as an attack on the vessel. These plans have been submitted to and approved by the flag States where Carnival's vessels have been registered, and Carnival has, pursuant to the ISPS Code, implemented various mechanisms to implement the procedures contained in the ship security plan.

- *What procedures does your organization take after notification of a crime has been committed against an American on board one of your ships, or one of your member's ships, outside U.S. territorial waters?*

Generally, upon notification that a crime has occurred onboard the vessel, ship security personnel respond to the incident and conduct an investigation. If the investigation concludes that a serious crime has occurred or has been alleged, and it involved a U.S. citizen, then a report would be made to the Coast Guard, Federal Bureau of Investigation, or other federal, state or local agency, as appropriate. In many cases, depending on the circumstances, the crime scene will be sealed off in order to facilitate an investigation by appropriate governmental authorities.

- *What types of security standards has your organization established, and what types of security training does your organization offer to ship personnel carrying American passengers?*

All of Carnival's vessels adhere to the requirements contained in the ISPS code. Accordingly, all of Carnival's vessels operating out of a U.S. port, have developed and maintain

a ship security plan fully compliant with the ISPS Code and are subject to Coast Guard port state control inspections during any port call.

In order to carry out these ship security plans, crew personnel are trained in accordance with ISPS Code requirements and guidelines. Specifically, ship security officers receive training in, among other things, the layout of the ship, the ship security plan and related procedures (including response procedures), crowd management and control techniques, operations of security equipment and systems, and testing and maintenance of security equipment and procedures. Shipboard personnel with specific security duties and responsibilities for ship security receive training in, among other things, knowledge of current security threats and patterns, recognition and detection of weapons and dangerous devices, techniques to circumvent security measures, knowledge of emergency procedures and contingency plans, and operations of security equipment and systems. All other shipboard personnel receive security awareness training that includes, among other things, general knowledge of relevant portions of the ship security plan, knowledge of contingency plans, and the meaning and requirements of the different security levels.

Conclusion

As discussed in my testimony, Carnival has demonstrated a longstanding commitment to the importance of security aboard its vessels. We appreciate the opportunity to discuss these issues with you, and we offer our expertise, support, and willingness to continue to improve international maritime security and the protection of U.S. citizens aboard our ships.

Mr. SHAYS. Thank you, Mr. Mandigo, we appreciate your testimony, Mr. Purdy and Mr. Crye, as well.

We will start out with Chairman Souder.

Mr. SOUDER. First, as I am sure you are aware, but in the interest of full disclosure, I represent northeast Indiana and there aren't a lot of cruise ships home ported in northern Indiana. In fact, to use an Indiana expression, you could count them on one hand and have more than enough fingers left to bowl.

But we have a lot of Hoosiers who go on the cruise ships all year long, whether it is up to Alaska or down in the Caribbean. And so they are concerned. They have seen the things on the news, and it is an opportunity for us to explore some of these questions.

Mr. Crye, I wanted to first try to clarify something that has confused me a little bit. We have talked about the different legal standards, and you referred to your testimony, about the different standards and different places. Would you agree that a U.S. citizen has the most rights when they are in U.S. waters?

Mr. CRYE. I would.

Mr. SOUDER. You said, I believe, in your testimony, that most of the time in the Caribbean we have agreements with that, but there are some places that there aren't as many protections.

Mr. CRYE. I would say that under 18 U.S.C., the sections respecting the special maritime and territorial jurisdiction of the United States, the FBI, and by deputization, other agencies of the Federal Government, have the authority to investigate fully any accusation of crime on the high seas, particularly for vessels that are calling on U.S. ports, but also under the theory of the special maritime and territorial jurisdiction for vessels that do not call on U.S. ports.

Mr. SOUDER. Do cruise ship lines tell their customers which areas they may be going into where their protections may be more problematic because of past diplomatic, how fast they can get clearance, because your testimony suggested there were differences in the Caribbean, and you just stated that you thought they were safest—you didn't say safest—you said the most protections in the United States. Is there any way that a person going on a cruise line could find out those relative—admitting even that even in the worst cases, your statistics aren't overwhelmingly bad. I am just asking you, if I wanted to know where I would have the most rights, would I be able to find that out?

Mr. CRYE. Well, No. 1, sir, there is requirements under the International Ship and Port Facility Security Code for publication of information regarding incidents of piracy, incidents of lawlessness, etc., and that's a requirement that is placed upon the vessel to ensure that they meet the appropriate security level or they simply don't go there.

Mr. SOUDER. But you don't give that to consumers. If somebody asks, would you tell them that, the different countries?

Mr. CRYE. The information is publicly available on the International Maritime Organization's Web site regarding higher-threat security areas. The Department of State of the United States publishes traveler's advisories, etc., sir.

Mr. SOUDER. In pursuing this slightly differently, are protections—are there different—

Mr. SHAYS. Could the gentleman just yield a second?

Mr. SOUDER. Yes.

Mr. SHAYS. When you say they publish, they don't publish crimes, they publish piracy, correct?

Mr. CRYE. They publish traveler's advisories. They also on the International Maritime Organization's—

Mr. SHAYS. I want to make sure you are hearing my question, and answer the question, then give me the details. They publish warnings about potential terrorist activities, piracy and so on, not about crimes being committed on a ship, correct?

Mr. CRYE. Correct, sir.

Mr. SHAYS. I am sorry.

Mr. SOUDER. My understanding of your answer, which to me illustrated what we were trying to do earlier, is that in fact, you would have to really know what you are looking for to find the data, other than going to the State Department and saying, oh, you know, it is better not to go to Nigeria, or better not to go to Ethiopia or Cuba. In other words, you don't give the data. You don't voluntarily say there are different legal standards in these different areas. You would have to know what you are looking for to find that.

Mr. CRYE. Well, sir, I think any international traveler that goes on international travel, looks at the State Department advisories; those types of advisories are readily available to the public. Most cruises are sold through travel agents, and those travel agents, we frequently communicate with them about issues that should be of concern to them.

Mr. SOUDER. I am sorry. I don't have a dog in this hunt, so to speak, but that answer is not acceptable. Now, it is one thing to say there is a State Department threat that you are going to go to a certain area, and that if you want to go down—we have had warnings in Panama, for example. If you want to go out in the jungle there with the Colombian guerrillas coming over, that might be unsafe. But I don't think it is generally known, somebody who goes on a cruise ship, that they have certain rights in some areas, and there may be less rights in other areas on the cruise ship when they are on a contained ship. And that to suggest a comparison between the two is just unfair.

I am not even suggesting it is a huge problem. I am just saying that if I really wanted to find that out, I would have to do a lot of digging, and I travel a lot. But I wouldn't have thought—that would be like telling me if I go on a CODEL with the military, that I am going to run into—or some kind of a private trip, that I am going to run into whole bunches of legal differences in different places. I was just asking a question, and you are trying to tell me it is a State Department thing. That doesn't have anything to do with my question.

The question was, is that are there standards of evidence procedure if I am sexually assaulted and so on? Am I going to wind up in an international law different if I am going to some Caribbean countries and other Caribbean countries? Obviously, if I go as an individual and go off on my own and rent a car, I am going to check that more. But when I am on a cruise ship, I think most people assume there is some kind of uniform standard, and what we are learning here is that there isn't, that we don't know how seri-

ous a problem that is because we don't have the data, but what you told me, and you are continuing to say, is you are not going to give me that information, I have to be able to figure it out as a traveler. And part of the question is, is how much disclosure should there be?

Mr. CRYE. Sir, are you talking about on board the ship?

Mr. SOUDER. Yes, that was the——

Mr. CRYE. Are you speaking of on board the ships?

Mr. SOUDER. I think anybody who is watching this hearing or look in the record will show that you stated that you had the most legal rights in U.S. territories. You stated in your testimony that in most Caribbean countries, we have exchange, which suggests that in some Caribbean countries there wouldn't. And then you got off into a terrorism, State Department thing, which is not what my question was. You answered the question.

Mr. CRYE. Sir, I——

Mr. SOUDER. You said that we could go to the Maritime Commission if we wanted to try to find out what the State Department thing was, which clearly said—when I asked you the overt question, do you publish the data of your legal rights for different parts of your trip, basically, you told me no.

Mr. CRYE. Sir, in the ticket package, you are advised of your rights, your legal rights respecting the carriage. You're notified of that when you enter into the contract with the cruise line with respect to your legal rights, and the responsibilities of the cruise line respecting the laws that apply, as well as their responsibilities and your responsibilities. Is that the question?

Mr. SOUDER. That is helpful. Now, let me ask you this question. Do all the cruise lines have the same disclosure, or does it vary by cruise line?

Mr. CRYE. They have a responsibility under the laws of the United States to disclose to their passenger what your rights and responsibilities are of both parties to a contract, and generally, it depends on where the ticket is sold, it depends on where the passage occurs, it depends on where the vessel is domiciled and flagged, etc.

Mr. SOUDER. Does your association have a standard that you suggest to your members that says, this is the legal rights, that you should do that, or when I sign up is it going to vary by cruise line what they are telling me my legal rights are?

Mr. CRYE. It's a matter of U.S. commercial law.

Mr. SOUDER. So it will be the same on each cruise line?

Mr. CRYE. It will be the same with respect to the U.S. citizens, where they buy their tickets, etc.

Mr. SOUDER. So there will be a difference. I wanted to know whether it was everybody or just your members. So would you say every cruise line anywhere based in the world, if you get on a cruise, whether you board in Norway, you board in the Caribbean, you board in Mexico, or board in the United States, you are going to get informed of your rights as a U.S. citizen?

Mr. CRYE. If the ticket is sold in the United States, the U.S. commercial laws apply.

Mr. SOUDER. Would you then agree that you are more likely to have your full rights if you buy your ticket in the United States?

Mr. CRYE. Sir, it depends on what you mean by full rights, because different countries interpret full rights differently.

Mr. SOUDER. That in itself answers my question.

Mr. CRYE. And there are those who would argue that the laws of Norway or the laws of the United Kingdom, or maybe even the laws of Bahamas are—provide you with more rights in a commercial contract than you are provided in the United States.

Mr. SOUDER. Fair point, but the key thing here would be is a buyer should know, based on where they are buying their ticket, their rights may vary.

A second thing is that would in a similar way in the different cruise ships, if you were in a cruise that you boarded outside of U.S. law—I think you kind of answered this already—but would laws of evidence collection, laws of reporting, potential penalties if the cruise line didn't handle something, would that be different than if you boarded in the United States?

Mr. CRYE. I'm not sure I fully understand the question. Countries have different systems of law and different evidentiary standards, depending upon whether a case is brought in that country or not. I thought we were here today though talking the enforcement of U.S. laws for U.S. citizens. I was not prepared to talk about the rules of evidence in the Bahamas or the United Kingdom, or the Netherlands, which are other flag states of the cruise industry.

Mr. SHAYS. If the gentleman would yield, I think it is—

Mr. SOUDER. I am baffled because, of course, you are here to talk about those things because your testimony, as your testimony said, this went into international waters, there is cross-jurisdictional. So I start to ask some cross-jurisdictional questions, and you are saying that you weren't prepared to answer those questions. I don't know how to ask a question. I yield back.

Mr. SHAYS. Mr. Cummings.

Mr. CUMMINGS. I will tell you, Mr. Crye, I have to ask you this. Have you read Ms. Jennifer Hagel Smith's statement? Are you familiar with it?

Mr. CRYE. I read it briefly just at the beginning of the hearing today, sir.

Mr. CUMMINGS. Are you married?

Mr. CRYE. Yes, sir, I am.

Mr. CUMMINGS. One of the things that she says—I only have one question of you because I want to talk to Mr. Purdy, but here is a woman who has lost her husband, and it just seems like she is treated in a way that is simply incredible. It is hard for me to even imagine if that happened to my daughter. I would have a rough time. But then if I read that Michael Crye, president of the International Council of Cruise Lines—and I am just reading from her statement, OK—blamed George's death on both of us by stating, "it's difficult if someone chooses to do harm to themselves or to their companion."

Then she goes on to say, "I don't know if Mr. Crye is married or if he has children of his own, but I find his reckless remarks offending our reputations and character both hurtful and irresponsible."

Mr. CRYE. May I address that?

Mr. CUMMINGS. Yes, please.

Mr. CRYE. There was a media interview that was a wide-ranging media interview. It was not addressing the facts of the George Smith case. It was addressing other cases and other facts, and as it relates to one of the four possibilities that Chairman Shays previously addressed, that was certainly one of the possibilities, that people do harm to themselves. They do it here in the United States every day. They do it in your jurisdiction as well. It had nothing to do, the question, the answer, in a media interview, had nothing to do with the George Smith or Mrs. Smith situation.

Mr. CUMMINGS. I guess the reason why I even brought it up is because I think sometimes in these hearings, we are certainly trying to find answers to prevent things, but then there come some facts that sort of just comes, and it is like shocking to the conscious, and you cannot rest until you try to figure out why is this? I understand what you just said, and I guess the thing that I was concerned about is whether we are suffering from what Senator Obama calls "an empathy deficit." I think that we just have to be very careful in circumstances.

I will tell you, just the thought of getting married 1 day and then 10 days later on my honeymoon, it is a nightmare. It is just very, very, very, it is painful to me just thinking about it. I didn't even experience it.

Mr. CRYE. I agree, sir.

Mr. CUMMINGS. Let me go to you, Mr. Purdy. What is your position?

Mr. PURDY. My position is director of safety, security and environment at Royal Caribbean Cruises, sir.

Mr. CUMMINGS. So that means you are the top law enforcement person; is that an accurate description?

Mr. PURDY. Sir, we have two operating brands under our company, and I work at the corporate level, developing policy standards, conducting oversight, audits, and assisting if we have serious situations, sir.

Mr. CUMMINGS. What is the policy when it comes to a crime scene? That has been an issue here. I am not trying to get into the Smith case. I am just trying to figure out what is your general policy?

Mr. PURDY. The general policy is first, once we establish that there has been even any allegation, that we secure the scene. We preserve the evidence and we make a report to the authorities.

Mr. CUMMINGS. I think you said that in the Smith case you all promptly reported to the FBI; is that right?

Mr. PURDY. Yes, sir. In fact, this is indoctrinated in our personnel that receive these calls. That call came from the ship to Miami. Miami received the call, the duty person, at approximately 3 a.m., and immediately, without questioning further guidance, called the duty FBI person and notified them of this allegation in this case.

Mr. CUMMINGS. Now, when we have a situation where—I think it was you who said it—where you said that there is some—correct me, one of you said this—that sometimes the FBI is notified and sometimes the FBI is not. Of course, I am talking about where there is a U.S. citizen involved. Did one of you say that?

Mr. CRYE. Mr. Cummings, I believe that was myself. May I elaborate?

Mr. CUMMINGS. Yes, please.

Mr. CRYE. First of all, sir, the FBI has provided the industry some guidance on what they consider to be a case that meets the threshold of their opening a case file. Second, there are certain standing agreements with other agencies of the United States, such as ICE, within the Department of Homeland Security, Immigrations Customs Enforcement group, within the Department of Homeland Security, with respect to reporting of narcotics offenses. In the event that the FBI doesn't want to take a report of a theft that doesn't meet their threshold, then we must in fact report that to another authority, typically the State enforcement authorities, or the port where the vessel calls, etc.

In addition, given the fact that the FBI does not have a great deal of resources in certain locations like Alaska, we have a standing agreement to report offenses that occur on board in Alaskan waters to the Alaska State Police, and other situations that involve foreign nationals are not necessarily reported to the FBI. Does that answer your question?

Mr. CUMMINGS. That is very helpful, yes.

Mr. Purdy, what is the policy with regard to—let me just tell you where I am going instead of going through the back door. You have Ms. Smith, she leaves the ship and then she has apparently left there in a foreign country to talk to the Turkish police. Just give me a general idea of what your policy is, because let me tell you something, I don't think there is one Member of Congress, if somebody walked into our office and slipped and fell, and let us say they were by themselves, I guarantee you there is not probably one Member of Congress that would not make sure there is a staff person that gets that person to the hospital, stays with them, and sticks with them until the issue is resolved. That is just for a slip and fall.

Here you have someone who has lost their husband in a foreign country, so I am just wondering what is your policy with regard to that?

Mr. PURDY. Yes, sir. This is the first time that I have read that statement from Mrs. Smith. My understanding of this is that she was required to go off the ship, along with our ship's captain, several other officers, and some other guests as part of the investigation.

Our policy is that we are very caring for people in this. Safety is our highest priority. In this case, my understanding is that we provided a female guest relations manager as an escort. We also had an escort from the U.S. Consulate Office, as well as the ship's port agent to provide for any, and to assist with accommodations. We also offered Mrs. Smith the ability to stay on board the ship until the next port of call where she could depart the ship. I think it was her decision to leave in Kusadasi, which meant flying out the next day. We left her the contact information for the port agent should she need anything.

That aside, if this happened the way it did, we regret any action which made Mrs. Smith feel insecure or unsafe in any way.

Mr. CUMMINGS. I think she said she was left, she didn't have any money, and she was basically stuck in a foreign country. So what you are saying is that in reading her statement, if that is what—I know you are denying you have other information, I understand that. But what you are saying is that if her statement was accurate, that would be contrary to your policies?

Mr. PURDY. Yes, sir.

Mr. CUMMINGS. Because you would not be in business.

Mr. PURDY. Absolutely.

Mr. CUMMINGS. Just a few more questions. I just want to go to the statement of George Smith and Ms. Maureen Smith. I want to just figure out, what is your policy? Let's say a criminal act, a suspected criminal act takes place. You have a crime scene. Do you lock down the crime scene? Say, it is a room, for example. I am just dealing with your policies, OK? What is your policy?

Mr. PURDY. Our policy is that if there is any allegation of a crime, that we will secure the scene, preserve the evidence, contact the authorities and fully cooperate with the investigation.

Mr. CUMMINGS. I take it that you are saying also that the crime scene would be preserved as best you could?

Mr. PURDY. Yes, sir.

Mr. CUMMINGS. Is that made more difficult when you have a floating crime scene?

Mr. PURDY. I would say that because of the environment where we operate, it is perhaps more challenging; however, any request from the authorities, we will do our best to honor that request and cooperate.

Mr. CUMMINGS. Who would be the authorities then?

Mr. PURDY. The authorities in this case, we were in touch with the FBI because this involved a U.S. citizen. We also were in touch with the Turkish authorities because the ship was in Turkish port. We notified the Greek authorities because the ship had sailed through Greek waters, and as a matter of fact, they launched their own search. We also notified the U.S. consulate in Turkey, and we also notified the Bahamas Authority in London because our ship is a Bahamian registered ship.

Mr. CUMMINGS. Let me ask you this. What is your policy then, if you have a possible crime taking place, let's say you know or you suspect that somebody on that ship may have done something. Are people allowed to go on and off the ship?

Mr. PURDY. Sir, again, it's case by case, and we cooperated with the authorities. In this case, the Turkish authorities took the lead on the investigation in the initial stages, and we complied with every request that the Turkish authorities had, as well as being in communication with the FBI.

Mr. SHAYS. If the gentleman would yield?

Mr. CUMMINGS. Please.

Mr. SHAYS. That is not really the question that he asked. He basically asked you what is your policy, and what you sound like is that your policy is whatever you have to do by the authorities.

Mr. PURDY. Sir, our policy is to fully cooperate with the authorities. If they determine that we need to lock down the ship or do anything with that ship or the people, we comply.

Mr. SHAYS. But don't you have your own policy? I mean why does the authorities tell you? I mean aren't there some basic things—hold on 1 second, Mr. Crye, I will come to you—aren't there some basic, just sound practices that you should do, period, case closed, and aren't you trained and don't you train your people to do them?

Mr. PURDY. Yes, sir, we do. In this case, our training is again to secure the scene, to preserve the evidence and to cooperate with the authorities.

Mr. CUMMINGS. So going back to what Mr. Shays was saying, you do have a policy with regard to that?

Mr. PURDY. Yes, sir.

Mr. CUMMINGS. And that policy is written somewhere, is that right?

Mr. PURDY. We have a comprehensive security management system, and it does detail how our security need to preserve crime scenes, or alleged crime scenes.

Mr. CUMMINGS. I am going to ask that question again. Is it written somewhere? You said you have a system that does this and does that, but is it a written document?

Mr. PURDY. Yes, sir, it is written.

Mr. CUMMINGS. I mean is it a book or volumes or what?

Mr. PURDY. It is a system of electronic manuals.

Mr. SHAYS. If the gentleman would yield?

Mr. CUMMINGS. Sure, please.

Mr. SHAYS. We would like you to make sure that is submitted for the record.

Mr. PURDY. Yes, sir.

Mr. SHAYS. Thank you. What is the document called?

Mr. PURDY. The document is our Safety Management System, sir.

Mr. SHAYS. Thank you.

Mr. CRYE. Mr. Chairman, Mr. Cummings, the International Safety Management System, which is part of the Safety of Life at Sea Treaty, which is widely ratified throughout the world, identifies the requirement to maintain a safety management system. The safety management system controls many, many protocols. There are certain things that would be contained within the safety management system that should not be included in a public record. But it is a requirement under international law to maintain such a system. That system is audited by your flag state, by your internal auditors, by your external auditors, and is available for port state control inspectors such as the U.S. Coast Guard, which would be the port state control inspectors here in the United States. I am not sure that you want an entire safety management system turned over to you for the purposes of this record, and second of all, I am not sure that you want to be a record that then becomes a part of a public record of this hearing.

Mr. CUMMINGS. Mr. Shays can tell you what he wants. But let me just tell you what I specifically asked, is it a book, a volume, what is it? All I am saying is that I thought it was something in the form of a manual or something that people, when they come on board, when they begin to work for you in law enforcement or whatever, regular employees, whoever, would read. And you are saying it is something, an electronic kind of thing; is that right?

Mr. PURDY. No, sir, it is a manual. We keep it updated just electronically, but the crew members have access to this document.

Mr. CUMMINGS. That is what I am interested in. Mr. Shays may want something else.

You were just talking about this system. Does the system talk about how you prevent evidence from being taken off of the boat? Let me tell you why I ask you that. Mr. George Smith talks in his statement about the cruise ship was not locked down in a certain city in Turkey, the next port of call after George's disappearance. Passengers and crew members were free to disembark as usual, potentially—listen to what he says—potentially taking crucial evidence off the cruise ship with them. If that were true, and I am assuming it is, would that be contrary to that policy that you just talked about?

Mr. PURDY. For our company, sir, because they have identified, in working with the authorities, that the alleged scene was the cabin, we had posted a guard in front of the cabin and the overhang, secured those areas until they completed their investigation, and nobody had access to those areas.

Mr. CUMMINGS. All right, thank you.

Mr. SHAYS. Could I say something to you, Mr. Purdy?

Mr. PURDY. Yes, sir.

Mr. SHAYS. I mean I know I can. I want to say something to you. I want to make sure that you are telling me fact and not policy, because you are under oath, and we need to make sure that everything you put under oath is really accurate. If you have total confidence in what you just said, that is good. I just hope you are not being set up by someone. Do you know for a fact that it was totally secured, no one else went in there except those people who were authorized?

Mr. PURDY. That is my understanding, sir.

Mr. SHAYS. And your understanding is based on what?

Mr. PURDY. My understanding is on reviewing with our staff, who were involved in the actual case.

Mr. SHAYS. Their accusation is that may not be true, so I just want to make sure you are comfortable. You are saying the staff that is involved with the security has told you that this was totally controlled, no one got into it except whom? Who got in there?

Mr. PURDY. To my knowledge, the Turkish authorities along with the security staff were the only ones who had access to—

Mr. SHAYS. Security staff of whom?

Mr. PURDY. Of the ship, sir.

Mr. SHAYS. Your own security staff?

Mr. PURDY. Yes, sir.

Mr. SHAYS. Would you define that security staff as 1, 2, 5, 10, 20 people, how many people?

Mr. PURDY. I know we had one security staff posted to secure the cabin. I am not aware of how many were there that—

Mr. SHAYS. Because the more people that go in, the more it gets disturbed. What comfort level should I have that—you know, how you define your own security staff? I mean there are police officers, and there are detectives, and there are people in our country who have greater knowledge of what happens on a crime scene. You are saying that the only people who had access were the Turkish offi-

cials and your security staff. I am going to get into how your security staff are trained, to know the number and so on.

Mr. RUPPERSBERGER.

Mr. RUPPERSBERGER. Thank you.

The first thing, I think the Smith incident was very unfortunate. The facts will come out, and I am glad we are reviewing this. Unfortunately, for the family it might be difficult, but we need to learn from past incidents.

I am interested though from my perspective, we are talking about over 5 to 6 million Americans that are involved in your industry, and I think so far that your industry has been very positive. It has allowed a lot of people to have pleasure, to go places they normally would not be able to go. But whenever an incident, even if it is a small amount of cases and a trend starts, I think an industry such as yours that does so well and has basically a good safety record except for some of these incidents, that you have to reevaluate where you are. I asked a question of the first panel: would they be willing, that was the Coast Guard, the FBI and the Navy, to meet with your industry, and to review what the standards are.

I knew there were some issues, international law requires you to have certain protocols, and there is an audit, and I think that is important because I think everybody needs to be held accountable, but maybe we need to reevaluate that, at least on behalf of the 5 million Americans that we represent that are within that industry.

So what I am going to ask you—and then I will take your question—I am going to ask you, will you work as an industry with the members of the FBI, and our subcommittee? You say that you don't want what we want. I am on the Intelligence Committee. There is a lot I can't talk about, but I would like our staff here to review and evaluate under direction of Chairman Shays, and to find out what issues need to be dealt with so we can make sure that all Americans who use your industry. A lot of you are not American ships, so we might not have the same authority or not. So I am asking the question. Where are you from, Mr. Crye? I had to move in and out in this hearing.

Mr. CRYE. I am the president of the trade association, sir, of the International Council of Cruise Lines.

Mr. RUPPERSBERGER. How about you, Mr. Purdy?

Mr. PURDY. I am from Royal Caribbean Cruises, sir.

Mr. RUPPERSBERGER. Mr. Mandigo.

Mr. MANDIGO. Holland America.

Mr. RUPPERSBERGER. Would you all be willing—

Mr. CRYE. Can I answer your question?

Mr. RUPPERSBERGER. I am asking the question, so I would love an answer.

Mr. CRYE. We do so every 60 days. We meet today, every 60 days here in Washington with the U.S. Coast Guard, the Department of Transportation, the Office of Naval Intelligence, the Department of State, the U.S. Customs and Border Protection, the Federal Bureau of Investigation, the Department of Defense—the Central Intelligence Agency sometimes comes—the Department of Homeland Security and the Transportation Security Administration. And every 60 days in a meeting that we host here in Washington to discuss

specifically the issues that you address, and we would be glad to include your committee staff.

Mr. RUPPERSBERGER. I think that is great. By the way, you have a good record. But here is what I would like to see more. I think you are dealing with those different groups, and you are talking about issues involving terrorism and safety and things of that nature. I understand that. I am more interested though—and sometimes we think about this—in your standards of your employees on the ships. I am more interested to know, do you have security? What is the background? What is their training? What happens when there is an incident, either a crime committed on board by other people on board, whether or not there are people who go on cruise ships just to rob people. That happens wherever there are people. Do you have standards as it relates to medical? I think you do. But we might need other standards.

I think an industry that is so popular as your industry, would want to even take it a step further, and I think that is what we are getting to here, at least what I am getting to here on your industry. Once the camel's nose gets in the tent, sometimes it gets bigger and bigger. We don't want to get it to that level. You seem to be cooperative. We are not here to give you a hard time, but there are some incidents that have to be dealt with, and more and more there is a problem.

Another issue I want to ask about too, because I had a personal experience, but I am not going to get too much into it. I see that because you are so popular and you have to keep getting back and forth to your ports, what about the issue with respect to weather? I am not talking about hurricanes, nobody is going to go into a hurricane, but the standards when a captain has to make it to a certain port to get there, notwithstanding the fact that it could be one of the bumpiest rides that you will ever have in your life? What are your standards with respect to having to make your deadline to get to the port to pick up the new group and drop the group off? Do you have any standards as it relates to weather with respect to any safety?

Mr. CRYE. Safety of life at sea is the ultimate responsibility of every captain, and he will not compromise the safety of that vessel to meet any schedule whatsoever. That is the responsibility of each master on board the ship.

Mr. RUPPERSBERGER. Does he have incentives or deadlines that he has to get back to another port on time?

Mr. CRYE. If it is a matter of safety, those deadlines don't apply.

Mr. RUPPERSBERGER. Do you call safety when you are maybe going through a storm and for over an hour it is almost you are thrown out of bed? Is that considered safety or non-safety, or how do you define safety, the ship just won't go over, but unfortunately you are going to have to deal with that? I am just asking the question. I am not criticizing.

Mr. CRYE. Unfortunately, we are talking about the ocean, and occasionally there is significant waves, there are significant weather events that occur. Fortunately, today we have pretty effective methodology to predict the course of storms, and to avoid those, the paths of those storms. But occasionally there will be the event where you are transitting through rougher ocean. We do everything

that we can to minimize that from happening, but occasionally it happens.

Mr. RUPPERSBERGER. It is like the airline, the pilot versus the captain, the pilot of the airline, and that is their judgment, based on weather and radar and things of that nature.

Let me ask you this, Mr. Chairman. We need, I think, to really try to talk a little bit more about standards of a system that is set up as far as not—I really applaud you for meeting with the FBI and the different groups that you are talking—

Mr. SHAYS. If the gentleman yields on that.

Mr. RUPPERSBERGER. Yes.

Mr. SHAYS. I am uneasy with your description of the purpose of those meetings. The purpose of those meetings are basically dealing with security issues, intelligence about criminal people, terrorist concerns and so on, correct?

Mr. CRYE. In addition we have manifest requirements, automated manifests that must be filed with the U.S. Coast Guard, the Department of Homeland Security—

Mr. SHAYS. No, no. Mr. Crye, his question related more about getting together to set up new standards I think.

Mr. RUPPERSBERGER. A standard, and you know, you can market this too. It is a marketing tool so people feel secure. I am talking about it is great to find out if there is a chain of burglars or if we have terrorists that are trying to move in and out or get in through different areas. I am talking about basically, in medicine you have a standard, accounting you have standards. You also need accountability. I am asking who are your employees? Do we have a standard of certain qualifications that when you are dealing with so many people on a ship, that in the event an incident occurs, whatever that might be, that you have the people with the expertise to deal with it on the ship, and other than just hiring this person who might have been working in one area, now another area. That is why a lot of former FBI agents are hired, and that is why former police officers are hired.

We are talking about the security of the people that get on the ship that rely on that, and I don't think you are doing a bad job, but I am worried about the trends, and I think that we had better evaluate it so that you can keep an industry that a lot of people love. Five million people in this country do it every year.

Mr. CRYE. Yes, sir. We constantly look at those types of standards and procedures and industry protocols. In addition, I mean, we developed our zero tolerance for crime policy in 1999, where all incidents of any kind of allegation of crime, would be reported to the appropriate authorities, and—

Mr. SHAYS. Excuse me, I have to interrupt here. Hold on just a second. Zero tolerance of crime?

Mr. CRYE. Yes, sir.

Mr. SHAYS. So if there is someone has lost \$7,000 instead of \$10,000, it will be reported?

Mr. CRYE. My understanding, yes, sir.

Mr. SHAYS. Your understanding. Isn't the threshold \$10,000?

Mr. CRYE. The threshold for the FBI to accept the report is \$10,000.

Mr. SHAYS. Right. So they are not notified if it is less than \$10,000.

Mr. CRYE. The FBI, no, sir.

Mr. SHAYS. So describe to me zero tolerance for someone who had \$7,000, and they were told by one of your companies that it didn't meet the threshold.

Mr. CRYE. For reporting to the FBI.

Mr. SHAYS. Yes. That doesn't sound like zero tolerance for crime.

Mr. CRYE. That doesn't mean it wasn't reported, sir. I don't know of this particular circumstance at all.

Mr. SHAYS. I am sorry to interrupt.

Mr. CRYE. That doesn't mean it wasn't reported to the appropriate law enforcement authority. It may not have been reported to the FBI because of their guidelines regarding what they would accept for a report, but that doesn't mean that it wasn't reported to the appropriate law enforcement authorities.

Mr. SHAYS. In a letter from Royal Caribbean when they complained about a problem that they had with theft of jewelry for \$7,000. It was addressed to Ira and Myrtle Leonard, who complained, from Hamden, CT. It then said, "Dear Guests, As per our conversation today, I have explained that we are not required to report alleged thefts with a value less than 10K. Although we genuinely sympathize with you for your loss, we regret we are unable to compensate you for your personal items. All claims are evaluated according to your passenger ticket contract, which we suggest you review for further clarification. If you have not done so already, we suggest you consider your claim to your travel or private insurer for consideration."

It just strikes me that doesn't sound like zero tolerance.

Mr. CRYE. Sir, I think that specific case should be taken up for us to determine exactly what was done in that circumstance, and where Royal Caribbean—

Mr. RUPPERSBERGER. Using that specific case, there is an example of setting up the system. It is like managing anything. You have a system. You have people who are managers. You hold people accountable. You have audits, that type of thing. But it is about a system.

One of the things I find frustrating in being a Member of Congress sometimes, is that we have these hearings, and then we don't have follow-through. I think this is a case that would benefit your industry and also Members of Congress that are looking after people, to really start talking about it, and especially because there are a lot of ships that are not American ships—Royal Caribbean is one—that if we can set up a standard that may be international. I think you need more. You need job descriptions of who is on there, what is on there, what happens with the standards. You probably have a lot of that now, but I think you need to look at it so that we can all feel secure. Sometimes perception becomes reality and we need to deal with this.

One other thing.

Mr. CRYE. Yes, sir. I think we would be pleased to work with that.

Mr. RUPPERSBERGER. I would like if the chairman could have staff maybe follow through what we are talking about, Mr. Chair-

man, and maybe we could do something here that would benefit both.

One other thing. I don't know if this question has been asked, but it is a situation you are going to have to deal with from a public relations point of view, and I just want to ask this question. It might have been asked. I am sorry, I had other meetings I had to go back and forth to, and maybe you can't answer the question or you have. We have read the report where Mrs. Smith was put off the ship. Why wasn't she given more help and cooperation when she was told to go to Turkey? I know the report said that two members of security took her to see the authorities, but basically other than, wasn't given money or anything of that nature. I read the report. If the question has been answered, then that is OK, but I would like to know from my perspective what happened, and is that something you are looking at, evaluating, bad judgment? What happened there?

Mr. PURDY. Sir, I will answer that. We did discuss this. This was information I saw for the first time today. We will take it back and go through it. Our understanding was that we did provide a female guest relations manager, U.S. consulate, ship's port agent, all of this in an event to make accommodations. And we expressed our regret if there was in any way if Mrs. Smith felt insecure or unsafe. It certainly is not our company culture, and it should not have happened if it did.

Mr. RUPPERSBERGER. And if it didn't, you look at it, and that is why we need standards again, certain systems and standards. OK, thank you.

Mr. SHAYS. I thank the gentleman.

The concern I have is the same kind of marketing that goes on in Las Vegas that says, what goes on in Las Vegas stays in Las Vegas. When I attribute it to your industry, I feel like everything on board stays on board the ship, including disclosing bad information. So I am candidly, very suspicious of the statistics that are presented. I think there is a disincentive for you to provide statistics, and I have a number of questions that relate to that issue, but also just security in general. I am separating the whole concern I have about terrorism and how we deal with terrorism and piracy and all of that, which I know this industry is working night and day to deal with.

I would like to know, to start, how many security people you usually have on board ship, or if it is a city, if it is a city—maybe, Mr. Crye you can start—if it is a city in general and you have 2,000 guests, you have, what, 1,000 employees? Is it a 2 to 1 ratio? What is the ratio of employee?

Mr. CRYE. It depends, sir, on the type of vessel. If it is a vessel that is more mass marketed, the ratio is lower.

Mr. SHAYS. So what would that be, a mass market?

Mr. CRYE. It would be 2 to 1, 3 to 1.

Mr. SHAYS. OK, but you could have—

Mr. CRYE. To more than 1 to 1.

Mr. SHAYS. Let's just take a ship with 2,000 guests, 1,000 employees. Is there a ship like that?

Mr. CRYE. Yes, sir.

Mr. SHAYS. How many of them would be security? And then define security to me.

Mr. CRYE. I can tell you, sir, that under the International Ship and Port Facility Security Code, that all of the crew members, all 1,000 have a security function, and have a certain amount of training and orientation as it relates to security.

Mr. SHAYS. Is it security though in terms of fire, in terms of having to abandon ship, that kind of security?

Mr. CRYE. And also security as it relates to securing the vessel from different situations, but there is also, under the International Ship and Port Facility Security Code, the requirement for a security officer whose sole function is that job, as well as a security staff who works for him whose job—him or her.

Mr. SHAYS. Let's focus on them then. How many are solely focused on security and how many of them carry weapons?

Mr. CRYE. To answer that question would potentially compromise the security plans. I can certainly answer those questions for you candidly—

Mr. SHAYS. I am smiling in a way because if I—

Mr. CRYE. I would be pleased to answer those questions to you in a closed session—

Mr. SHAYS. I am smiling because in Darien, CT, I can name you how many police officers exist. I don't think we endanger the people of Darien, CT, when I tell you the number of police officers. It is printed in the newspaper. I don't think it endangers the city. Yet this is a city, and so tell me why—don't tell me the number. Why would it endanger to know how many officers, because you don't have enough?

Mr. CRYE. If you were a terrorist, sir, and as a result of this public record, you said, "OK, all I have to do is have that many security officers plus five, or that many security officers plus 10 to overcome the—and we can go on and on and on with respect to the defense mechanisms on board the ship, and you can ask me all of those questions. And the more of those questions I answer, I'm giving the bad guys a blueprint for exactly how to go about attacking that vessel."

Mr. SHAYS. I agree with that in one way, or I could say it another way. If you gave me a number that was pretty large, it might tell me I would never want to attack your ship, so it could be a plus or a minus. If you gave me a low number, yes, it would be very tempting, and that is what makes me concerned. If your number was a high number, I don't think we would endanger the public. I think you would basically say you don't want to fool around with us.

Mr. CRYE. That's why, that's one reason why I told you that every crew member on board that vessel has a security function.

Mr. SHAYS. We will get into that in a private way.

Mr. CRYE. We'd be pleased to do so, sir.

Mr. SHAYS. I know you will, but I will tell you that my folks have gone on cruises, my friends obviously have. I haven't yet, and want to someday when I can get a week. But what I am told is that if there are security people around, they are hard to see. So is it your practice basically to have most of your people undercover?

Mr. CRYE. No, sir, it isn't.

Mr. SHAYS. Do you have some security folks who are clearly just security and labeled so? I mean would they look like a police officer on board a ship, Mr. Purdy?

Mr. PURDY. Yes, sir. They would have badges on and uniforms, and their sole function on board is traditional police type security.

Mr. SHAYS. And they don't carry a weapon?

Mr. PURDY. Sir, we, again, would rather not discuss the measures that they have for their defense, but we're happy to in a private session.

Mr. SHAYS. OK. How do you secure the security of your guarantee that the employees that you hire are above reproach? Mr. Purdy, how do you do that?

Mr. PURDY. It's a standard for the industry, I believe, but every crew member that we hire has to—we require them as a company to get a (c)(1)(D) visa, a seafarer's visa. That means that the hiring partners, besides the background checks that they conduct, also send them over to the U.S. consulate in that country to provide their information, and then that is vetted through the U.S. State Department. We do that whether the ship is actually working in a U.S. port, or even a ship that's just in Europe the whole summer. We require all crew members to have a U.S. seafarer's visa.

Mr. SHAYS. Who issues that visa?

Mr. PURDY. Those visas are issued by the U.S. consulates in the different countries. We also submit those—

Mr. SHAYS. How does that guarantee that these people are above reproach?

Mr. PURDY. Well, it guarantees that they, that they are not on any—that they are vetted by the U.S. Government. We also submit all the crew names, along with the passenger names, to the U.S. Government for vetting on the ship manifest, sir, each time the ship sails.

Mr. SHAYS. Say that last part. Each time the ship sails, what? I am sorry.

Mr. PURDY. We submit a manifest with all the names and date of birth, passport information, and what-have-you, to the U.S. Government, specifically to Customs and Border protection, and to the U.S. Coast Guard for analysis.

Mr. SHAYS. Sir, do you do background checks on all of your employees?

Mr. PURDY. We don't do background checks ourselves, but we have hiring agents in various parts of the world that are responsible for the background check, and again, we use the (c)(1)(D) visa process as a standard so that everybody goes through the U.S. screening and vetting process.

Mr. SHAYS. We will learn how difficult it is to get the visa, but I am unclear from your answer as to—what I am hearing you say is that you do not do the security checks for your employees.

Mr. PURDY. My answer is that it's not centralized from our Miami office, sir, but we have requirements on the various hiring partners that we have relationships all over the world.

Mr. SHAYS. Mr. Mandigo, tell me what you all do.

Mr. MANDIGO. Mr. Chairman, we essentially do the same thing, that we have manning agencies, hiring partners, as you would call them, in different parts of the world.

Mr. SHAYS. Do they get a commission?

Mr. MANDIGO. They are paid by us for their function, yes, sir.

Mr. SHAYS. Do they get a commission for every employee they hire?

Mr. MANDIGO. I do not know the answer to that question, sir. I mean we certainly pay them for their services for providing crew for our ships.

Mr. SHAYS. But you are not aware that they are not paid commission. Mr. Purdy, are they paid a commission for—

Mr. PURDY. I'm not sure of the answer, sir.

Mr. SHAYS. Mr. Crye.

Mr. CRYE. I don't know, sir.

Mr. SHAYS. But anyway, you pay them to find people.

Mr. MANDIGO. That's correct, Mr. Chairman.

Mr. SHAYS. And so they have an incentive to find people?

Mr. MANDIGO. Well, they have an incentive to find people, but we set the qualifications as who those people are. They have to have certain skills, certain abilities, and they are required to have a background check done on those people, and we do conduct audits of our hiring partners or our manning agencies periodically to determine if they are complying with our requirements.

Mr. SHAYS. When you find an employee that you found was not properly vetted, what happens?

Mr. MANDIGO. We would immediately dismiss that person, and we would go back to the hiring agency, and if we determine it was egregious, that we would change our hiring agency, and we have done that before.

Mr. SHAYS. Mr. Purdy.

Mr. PURDY. Yes, sir, that would be our same practice. It's a human resources function to visit the hiring partners throughout the world and assess how they're operating, and conduct the audits and review of records.

Mr. SHAYS. OK.

Mr. CRYE. Sir, also depending upon the nature of the particular position that an individual holds on board the vessel, they may be subject to additional scrutiny that requires additional background checks beyond a hiring background check.

Mr. SHAYS. The previous panel discussed someone who is missing can be missing for a variety of reasons. I stated the ones I thought. I would like you, Mr. Mandigo and Mr. Purdy and Mr. Crye, in that order, to tell me the potential for why someone is missing.

Mr. MANDIGO. Mr. Chairman, that over the past 2 years, the Carnival Corporation Cruise Ships have carried over 12 million passengers. In that time period we have had 6 passengers go missing. None of—

Mr. SHAYS. Six in twelve.

Mr. MANDIGO. Six missing. Actually, a seventh person that was rescued at sea.

Mr. SHAYS. You said in 12 years?

Mr. MANDIGO. In 2 years, the last 2 years, six people, three each year. In none of those circumstances have we found information to indicate that foul play was a factor in those missing persons.

Mr. SHAYS. I don't know what that means. In other words, so—tell me what that means. I will tell you why. If Mr. Smith had fall-

en overboard and they hadn't found blood, you would probably say no——

Mr. MANDIGO. That is possible, sir. And, Mr. Chairman, as I indicated, in those situations, in some of them there would be information that would indicate that it was potentially a suicide. For instance, that the shoes of the person were lined up very neatly alongside the railing, and items in their cabin were neat. There may have been a note left behind. So it would indicate the potential that may have been——

Mr. SHAYS. Of those 6, you determined, in the 2-years, why were they missing?

Mr. MANDIGO. That four of them, that we believe we know what the circumstances were. Two of them are as yet undetermined.

Mr. SHAYS. And what were the four circumstances, without details? What were they?

Mr. MANDIGO. Without going into names or identities, that four of those situations, based on all the information available that we have seen, that the belief is that they were probable suicides.

Mr. SHAYS. What I would like is for you to walk through those cases with my staff so we can see how you all determined that. It would be helpful.

So none of it was drunkenness. It was all, in your judgment, four out of the six was suicides?

Mr. MANDIGO. Yes. And I'd also add, Mr. Chairman, that all of these would have been immediately reported to the FBI for the FBI to pursue as they saw appropriate, given the circumstances.

Mr. SHAYS. What, the four, the four?

Mr. MANDIGO. All six of them would have been reported as——

Mr. SHAYS. Why? Why would you have reported all six?

Mr. MANDIGO. It's a missing person, and it's standard practice, if we have a missing person, to report that to the FBI if it's a U.S. person.

Mr. SHAYS. Mr. Purdy.

Mr. PURDY. Yes, sir. Generally the same. I would have the categories——

Mr. SHAYS. Oh, no, how many in 2 years? Give me a number.

Mr. PURDY. For the 2-years, sir, we have had 4 people, and that's for 29 ships, 7 million passengers during that period.

Mr. SHAYS. I believe it was Merrian Lynn Carver on your ship, one of your ships?

Mr. PURDY. Yes, sir.

Mr. SHAYS. So she wasn't reported missing. So how does that come into the equation?

Mr. PURDY. First of all, we'd like to extend our hearts to the Carver family. This was a horrible tragedy, and the fact is we didn't realize that she was missing. Our cabin steward did, as all our crew members are trained—report something suspicious, that this woman had not been using her room. He reported that to the supervisor. The supervisor questioned it, went to the computer system to see if she was registered on board. He verified that she was on board, and he didn't think anything else of it, and that was where he used extremely poor judgment in not reporting that up the chain.

Mr. SHAYS. So what happened to him?

Mr. PURDY. He was terminated, sir. He was terminated for this. Nevertheless, this is an incident that—we regret that we had caused this family additional anguish because of the delay in figuring this out. And once we did realize this, after going back and forth with the Cambridge detective who was working on this case, we ensured that again we notified the FBI, albeit 5 weeks later. And since then we've taken other steps to ensure this doesn't happen again.

This means now we've started having our ships having, when people disembark at the end of the cruise, also checking out on our SeaPass system so we can tell that, yes, in fact, everyone was cleared. We also have established in our company an anonymous hotline for any employee who has any question about a safety issue, security issue, environmental issue that's not being addressed properly through the on board team. They can call anonymously and that will get fully investigated from our shoreside staff.

Again, our hearts go out to the family. This is—

Mr. SHAYS. The reason why—you know, rather than your hearts going out to the family, which is important for you to say, particularly at this hearing, it would be better if you cooperated with the family, and didn't make them have to seek this information the way they sought it, having to spend literally tens of thousands of dollars. So your actions would speak more loudly than your statement, frankly, and your actions appear not to support your sorrow. Your actions on what you did to your employee, I think, are significant, because Lord knows that employee needed to leave.

Mr. PURDY. Yes, sir. My understanding is this is under litigation. However, despite that, we have provided them with all the information that we have on the case, and the fact is, is there just isn't that much information. She booked the cruise 2 days before, came on with very few belongings, and that also contributed to us not realizing that she left. There was no cabin baggage. There was nothing for anybody else to understand that she was in fact missing, and we regret that deeply.

Mr. SHAYS. So the four things that could happen in missing, would be what?

Mr. PURDY. I'm sorry, sir. Accidents, which could happen, a homicide which could happen, and a suicide which could happen, as far as someone who could go missing.

Mr. SHAYS. Right. There are two kinds of accidents, accidents where someone did something stupid—

Mr. PURDY. Like horseplay, yes, sir.

Mr. SHAYS. And so it is negligent homicide in that case. When someone is drunk, and they are walking outside, how do you protect those people? I mean you do encourage them to drink, and you do encourage them to have fun and so on. What is their protection if they are really drunk?

Mr. PURDY. Initially, sir, we protect them by just the construction of the ship. They're built to be inherently safe. So the rails are at a height that it would be very difficult to simply fall over. The swimming pools would have nets over them if they weren't filled with water. In every aspect of the ship, there's safety considerations, because we know that this is the case on board. People are in a celebratory mood. It's the nature of the cruise.

Mr. SHAYS. Why wouldn't you have cameras at every outside area so that you would be able to reconstruct when someone fell overboard whether they were pushed, thrown or just jumped? It seems to me that would be overall a fairly modest expense, and it would seem to me that it would discourage a crime because you would be on tape.

Mr. PURDY. Yes, sir. We do believe CCTV is an effective deterrent as well as a tool for us, and we have——

Mr. SHAYS. Well, why don't you use it?

Mr. PURDY [continuing]. Had CCTV systems on our ships for the past, really I think, about 10 years. So all our ships have CCTV systems, and we are continuously bringing that technology forward. Our fleets alone started this year in transforming all of these systems from a regular analog tape system to a digital system, so we're continuously improving the system.

Mr. SHAYS. But I mean the more I think about it, the more amazed I am. I mean you could basically have security, and for terrorism as well. You would basically be able on a screen to see if there was any foul play, and you would immediately be able to send someone to the area where there may be foul play, or if people are getting into an argument, you would be able to go quickly and break it up. Mr. Mandigo, why aren't TV screens, videos, available everywhere?

Mr. MANDIGO. Likewise, as my counterpart, we do have a number of CCTVs on cruise ships, but we do have issues of privacy. You're talking about multiple decks on a ship. You're talking about balconies on many of the cruise ships.

Mr. SHAYS. That is true.

Mr. MANDIGO. It would be a challenge, although it could be done.

Mr. SHAYS. I understand. What you are saying is on a balcony, that is a private balcony?

Mr. MANDIGO. It's private balconies and you have privacy issues, and——

Mr. SHAYS. No, I hear you.

Mr. MANDIGO. And being new to the cruise industry and being on cruise ships, they are very massive, and to put that kind of coverage throughout the ship would be a challenge, but certainly could be done. But some of the things though that we do that address people for imbibing, drinking, is that our bartenders have training, you know, on how to spot people that have been drinking too much. They have training on what to do with those people. You know, we will escort them back to their cabins.

Mr. SHAYS. Fair enough. We are coming to a close here. Let me just understand what rules supreme in terms of investigating, and who has jurisdiction. One issue is the citizen of the individual involved who may be missing. Let's just say a crime has been committed and they have been killed. One issue is the port of departure. Another issue is where the ship domiciles. Another issue is what flag it is under. Another is who owns it. And another issue could be where the ticket was sold. Are there other issues that come into play in terms of making this a confusing issue to have an investigation?

Mr. CRYE. Sorry. I hope that I didn't necessarily mislead you with respect to the issues of jurisdiction under international law.

The jurisdiction under international law is based upon territory. It's based upon nationality. It's based upon protective principles——

Mr. SHAYS. Nationality of the individual?

Mr. CRYE. Both the individual, as well as a potential perpetrator. And certainly generally a ship is considered to be the territory of the flag that it flies. However, that jurisdiction may be shared by others based upon these other factors.

From a commercial perspective, which I think I was trying to address earlier, the issue becomes where the ticket was sold, what are the rights and responsibilities of the vessel and the passenger under the laws of that location. That's a different issue than the issues of jurisdiction under international law. There's a commercial contract that is issued as it relates to the rights and responsibilities of that vessel, of that individual under U.S. commercial law if that ticket is sold in the United States.

Mr. SHAYS. Well, I am wrestling with a lot of different factors that come into play, and I don't know which ones carry the greatest weight. For instance, I am just trying to determine, you represent companies that service basically 90 percent of the cruise trade; is that correct?

Mr. CRYE. Yes, sir, in the United States; 90 percent of North American.

Mr. SHAYS. OK. So when a ship is leaving port—I guess what I am trying to determine is—not that you would want it, but you are going to give me an honest answer—what capabilities does the Federal Government, Congress, the White House have over your industry? What basic legal authority do we have over this industry to put forth, for instance, I am not comfortable with voluntary submission of statistics. I want to require it. I don't want there to be any doubt. I don't want there to be any ambivalence, ambiguity. I don't want there to be any, “Well, we did not do it, and we are sorry, and we fired the employee.” I want to make sure it happens, and then I want to be able to trust those statistics. What capabilities——

Mr. CRYE. Are you thinking of gathering statistics for any ship, anywhere that carries U.S. passengers?

Mr. SHAYS. Yes.

Mr. CRYE. I don't think that you can compel, for instance, a Greek ship that operates only in Greece that might sell a ticket in the United States, that a U.S. citizen goes and flies to Greece to get aboard that ship. And that ship, or the operating company that operates that ship, has no nexus to the United States other than a U.S. citizen chose to go to Greece to go on board that vessel.

Another analogy might be a ferryboat. It's a passenger vessel operating in the Baltic that carries passengers between Norway and Switzerland—or Norway and Sweden. That is a vessel, and the voyage has to nexus to the United States.

Mr. SHAYS. But basically the folks that are part of your organization do come under our authority, North America.

Mr. CRYE. To varying extents. Some operate routinely from the United States. Some operate with the majority of American passengers. Some operate on large international voyages that are around-the-world voyages, that infrequently, if ever, come to the

United States. Others are primarily European operators who may come and sail from the Dominican Republic in the winter. Might that be a sufficient nexus to obtain the type of statistics that you're describing? There are varying degrees of nexus to the United States, is the point I'm trying to make. I'm not trying to be uncooperative.

Mr. SHAYS. No, I understand.

Mr. CRYE. I'm just trying to tell you—

Mr. SHAYS. You gave me an honest answer to a question and I appreciate it.

Mr. CRYE. Yes, sir.

Mr. SHAYS. I think that the way we are going to leave it is that we will have you meet with the staff to talk about security, the number of folks that you have on board. Do you have a jail on board your ships?

Mr. PURDY. Sir, for Royal Caribbean and Celebrity, we have what would be an isolation room on board the ships. On some of the older ships that do not have that, we would utilize a cabin with a guard posted at the front.

Mr. SHAYS. OK. But what we will do is we will try to understand how you secure your vessels both from terrorists as well as how you try to maintain law and order. And I am comfortable doing that in closed doors. But, frankly, we will do it just with staff. I think that would be sufficient.

We are—

Mr. CRYE. Sir, could I give you the industry-wide statistics?

Mr. SHAYS. Sure.

Mr. CRYE. Our membership, we surveyed our membership for the number of missing persons who went overboard in the past 2 years. We obtained a fair and accurate report that 13 people have gone overboard, or are missing over the past 2 years, and during that period we carried almost 20 million people, so that is a ratio of something more than 1 in a million, something more like 1 in 1.4 million.

Mr. SHAYS. So it is a million different passengers but only for a week or two. In other words, it is a million passengers, but only for a week or two, correct, that you carried them? In other words, you don't have—I am saying the obvious, I am just trying to make sure we don't get overly impressed with that statistic, 20 million people.

Mr. CRYE. We have approximately 200,000 berths on board our ships. So if you equated those statistics to a town of 200,000, then you would be comparing apples to apples.

Mr. SHAYS. Fair enough. That is my point. I don't want to compare it to a community of 20 million or a State of 20 million. I really need to compare it to a community of 200,000.

Mr. CRYE. Yes.

Mr. SHAYS. Fair enough. And that these statistics were voluntarily provided.

Mr. CRYE. By our membership to the trade association.

Mr. SHAYS. Did everyone participate?

Mr. CRYE. Yes, sir.

Mr. SHAYS. What I would like is if you would give those statistics for each of the cruise lines to my staff, if you would provide that, so in other words, we will know how many from each cruise line. Was there a disproportionate amount in one cruise line versus another?

Mr. CRYE. You've heard the majority of the statistics reported by the two cruise lines that are here present today.

Mr. SHAYS. OK. But at any rate, we just want a breakdown of the 13, and you don't have to give it right now, but we will want it later. We want the 13 and what cruise ships they were. Actually, why don't you give it to us right now? What were they; 13 missing, and what were the cruise ships that the 13 were missing?

Mr. CRYE. You've heard from Carnival Cruise Lines.

Mr. SHAYS. Carnival was again how many, six?

Mr. MANDIGO. We had six for all the brands within Carnival.

Mr. SHAYS. Over 2 years, right.

And, Mr. Purdy.

Mr. PURDY. Four, sir.

Mr. SHAYS. So we have three left. It is not a trick question. We just want to get it on the record. Thank you.

Mr. CRYE. The other four—three we would like to provide to you.

Mr. SHAYS. Would you do that?

Mr. CRYE. Because—

Mr. SHAYS. Let me explain why, so that later on if someone contacts us and says my brother or sister was missing on this particular cruise ship, it will just reinforce and give us faith in the statistics you are providing. So that is why it would be helpful to have.

Mr. CRYE. Thank you, sir. We will be pleased to provide that for you.

Mr. SHAYS. OK, thank you.

Is there any question that we should have asked you, any question you prepared that you would like to put on the record? Any question we should have asked you that we didn't? You can ask yourself the question and then answer it. I, frankly, learn a lot from the questions that you may think we should have asked that we didn't, a lot. So is there anything that you would like to ask yourself or just put on the record?

Mr. MANDIGO. At risk, Mr. Chairman, I would add that, 27 years in the FBI, that we always struggled over jurisdiction, and I was very happy in the cruise industry that we solved that problem fairly easily by simply taking the position that if it was a serious crime, we would report it, and then we did not have to worry about jurisdiction.

Mr. SHAYS. You report it to whom?

Mr. MANDIGO. To the FBI if it was a serious crime.

Mr. SHAYS. Mr. Purdy, any point that you want to put on the record?

Mr. PURDY. Yes, sir. I would just like to clarify two points on the George Smith case that have been widely misreported.

Mr. SHAYS. Yes, thank you.

Mr. PURDY. Those points being our security, or our guest relations staff received the loud noise call at 4 a.m. It was not a call talking about a fight or any kind of violence. It was loud noise,

sounded like partying sounds. Our security responded. Once they were there, they knocked on the door. The situation was, it was quiet, and that's their procedure for handling a noise complaint.

Had there been a report of a fight, any kind of violence, our procedure is that they go in and physically verify that the occupants are OK. So I want to clarify that point.

Mr. SHAYS. Thank you.

Mr. PURDY. The second point is that the overhang, which has been reported as being cleaned immediately, was secured along with the cabin. The Turkish authorities came on board, after, again, we had notified the FBI as well. FBI was in Kusadasi at the time. The Turkish authorities conducted their forensic investigation, and they released both the overhang and the cabin to us for cleaning at approximately 6 p.m. They also released the ship to us to sail at 7 p.m. The overhang was cleaned at that time. However, we kept the cabin secured for the following 6 days while we were in communication with the FBI.

Mr. SHAYS. Secured, but any of your own security people could walk in—

Mr. PURDY. Meaning sealed off and nobody allowed to go in, sir.

Mr. SHAYS. So even your security people couldn't go in?

Mr. PURDY. Yes. I think our security people could go in, sir, but I would have to check whether anybody did, but it was secured.

Mr. SHAYS. This raises an interesting point for me at least. I don't have a sense of how you involved the FBI. I mean, would it have been wise to wait for the FBI to come and let them do what they—

Mr. PURDY. Sir, we were in communications with the FBI, and at that point there's a lot of diplomatic channels that we're not a party to that have to happen for that to happen—

Mr. SHAYS. Wait a second. There is no noise from the audience on this issue. This is a hearing.

But what I would like to know is this. We are talking about American citizens. I will tell you I have a lot more faith—with no disrespect to the Turkish Government. I have met so many fine people in Turkey and government officials, but for them to have released it, and then you destroyed, frankly, some of the evidence once the Turks had basically allowed you. When does the FBI come? Had the FBI been on board the ship to check it out?

Mr. PURDY. Sir, we have been asked not to discuss the FBI's investigation.

Mr. SHAYS. That is fair enough. I am not going to ask you other than this, and let me ask you a general question. I am losing a sense of the significance of the FBI if you would destroy evidence before the FBI had given you approval. If you are telling me the FBI had given you approval, I would say, well, I have a comfort level with that. You are telling me the Turkish Government told you you could take care of it, then I have a problem with that.

Mr. PURDY. Sir, we were in communications with the FBI, and they made no request to take any other actions at that time.

Mr. SHAYS. OK. So let me just ask in general. Forget the Smith case.

Mr. PURDY. Yes, sir.

Mr. SHAYS. How do you involve the FBI if you are overseas in Greece? Do you get them from the Greek Embassy? I mean we have FBI agents—where do they come from?

Mr. PURDY. If we have an allegation, we report it both through the Miami office to the FBI—

Mr. SHAYS. So they meet you in the next port or do they—

Mr. PURDY [continuing]. As well as the U.S. consulate.

Mr. SHAYS. You notify them. Help me out. Anybody can answer this. I should ask them. Does the FBI fly to your ship in a helicopter and immediately take control, or do they wait till you come to the next port? Do they just talk to you on the phone? What do they do?

Mr. PURDY. Ultimately they handle it on a case-by-case basis. On the case which happened over the weekend, the FBI required a request from the Canadian authorities to step in upon our notification, which they did, and they have started an investigation.

Mr. SHAYS. What does step in mean, that they got involved or they landed on the ship?

Mr. PURDY. Excuse me, sir?

Mr. SHAYS. Getting involved isn't helping me understand. I want to know what getting involved means. Did they actually take control of whatever room that the needed to get, or place that they needed?

Mr. CRYE. Perhaps I could try to address that, sir.

Mr. SHAYS. Were they personally there? Mr. Crye.

Mr. CRYE. I'm not speaking of the George Smith case, per se.

Mr. SHAYS. No, I know that.

Mr. CRYE. I am talking about the different authorities that each arguably have jurisdiction, different countries. Bahamas might have jurisdiction. Greece might have jurisdiction. Turkey might have jurisdiction. And the United States might have jurisdiction. In the sorting of that out to determine who is the lead and who is taking control, there may be a lapse before the United States decided that it wants to be in the lead on the investigation. If that is the case, then the authorities of another government would be in the lead, and the FBI might be consulted with about whether they agree to release the potential crime scene, or they might not be. If Turkey says, "We are in control," and the FBI accedes to that control, and Turkey allows the release of the vessel, that is solely Turkish law enforcement authority's decision. And in fact, much has been made today about the Turkish officials—

Mr. SHAYS. Just suspend a second. Just so you don't go on to a new thought, keep your thought. The issue, I can understand the Turkish authorities saying you can wash the blood off, but I don't understand why you have to, and I could understand why you might want to leave it there until American authorities had a chance to look at it. So their saying you can doesn't mean you had to. That is the only issue. And I am trying to understand what your policy is. I would like to think your policy would be—and forget the Smith case. I have specifically not asked the FBI anything about the Smith case. I haven't even asked the families about the FBI and the Smith case because—I have spoken to the families, but I haven't asked them about anything with the FBI, because, frankly,

I don't want to know. I want to be able to ask my questions and not have to know that.

What I would like to know is the policy of the shipping industry. What I am hearing you saying, Mr. Crye—and I am not trying to interrupt you, but I just want to make sure you are hearing me—what I am hearing you say is the FBI may be predominant or not. Being predominant or not doesn't necessarily mean that you should destroy evidence until the FBI, who may take a secondary role, has a chance to look at it, and I am just wanting to know if an America carrier, basically a company that caters mostly to Americans, if they are going to give a little benefit of the doubt to the FBI. That is kind of where I am at.

Mr. CRYE. I would think that each cruise line, if the FBI exercised their prerogative and said, "We don't care what the Turkish authorities have done, we want you to do this," that each one of our cruise lines will cooperate fully with that—

Mr. SHAYS. Mr. Purdy, is that true?

Mr. PURDY. Absolutely, sir.

Mr. SHAYS. Mr. Mandigo.

Mr. MANDIGO. Absolutely. I am aware of no instance where the FBI has been denied full access at their request, or for that matter where they have been on board, if it has been necessary to delay the ship, the ship has been delayed.

Mr. SHAYS. Anything else you want to put on the record, Mr. Crye?

Mr. CRYE. The second part of that, sir, is that I am unaware of any instance when a flag state interfered with the exercise of U.S. jurisdiction on board a cruise ship when a U.S. citizen was involved.

The thought that I wanted to finish earlier, was under the port State control authority. If the Turks had an active investigation and they wanted to detain that ship or lock that ship down, or prevent that ship from departing, they certainly had the authority to do so if that was their wish. What the Turks did in this circumstance, as I understand it, based upon what Mr. Purdy just testified to, was released the ship back to the master to depart. There was no commercial decision involved. The Turks had said, "We have completed our investigation of that awning and that cabin."

Mr. SHAYS. But they did not, I don't think—well, never mind, because I don't really know the issues involved. I won't speculate.

What leaves me uncomfortable is that I could be on a cruise ship where a murder may have been committed, and I may be off to a new port with a murderer on board. That doesn't leave me very comfortable. Forgetting whatever happened, obviously, the tragedy that happened with the Smiths, if a murder was committed, if it was done by someone who was staff or someone, a guest still on board, you still have the murderer on board. I am not quite sure what the solution is—

Mr. CRYE. The policy of the industry is to fully cooperate. If the Turks had chosen to stay on board and sail with the ship because they had suspicions, they could have done so, and we would have been more than welcoming. If the FBI had chosen to go board that ship that day—and there was an FBI agent at the consulate—if they had chosen to go aboard that ship that day and exercise their

jurisdiction, the cruise line would have been more than willing to accommodate them.

Mr. SHAYS. So bottom line, based on the statistics we have, we have 13 missing folks in the last 2 years in a city ultimately year long of about 20,000—

Mr. CRYE. 200,000.

Mr. SHAYS. 200,000 people. And your point to me would be that would be a comparable statistic pretty much in the general public.

Mr. CRYE. I think that various cities in this country measure statistics very variably also, because you certainly have locations throughout the United States where tourism is a very big factor also, just as they are on a cruise ship where visits of a certain period of time are measured. If you are measuring 52 weeks a year, full time, how many people, then you're probably comparing to a city of 200,000.

Mr. SHAYS. Fair enough.

Mr. CRYE. Roughly, for the North American cruise market and our membership.

Mr. SHAYS. Thank you.

This will be continued. We appreciate your cooperation. We will make sure we sit down with you on the statistics of your security, and I would love it if you, Mr. Crye—I would appreciate, if you, Mr. Crye, Mr. Purdy and Mr. Mandigo, would look at the statements of the families that have been victimized and have suffered loss to see if there is anything that you should be reconsidering about your policies or about particular cases and deal with it appropriately. That would be appreciated.

Mr. CRYE. Thank you, sir.

Mr. SHAYS. Thank you all very much. You have been very excellent witnesses and I appreciate it.

This hearing is adjourned.

[Whereupon, at 6:18 p.m., the subcommittee was adjourned.]

[The prepared statements of Hon. Ileana Ros-Lehtinen and Hon. John L. Mica follow:]

COMMITTEES:
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 INTERNATIONAL RELATIONS



Congress of the United States
House of Representatives

ILEANA ROS-LEHTINEN
 18TH DISTRICT, FLORIDA

December 16, 2005

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Ileana Ros-Lehtinen
 12/16/05

Committee on Government Reform
 Subcommittee on National Security, Emerging Threats and International Relations
 Chairman Christopher Shays

International Maritime Security Hearing
 December 13, 2005

Submitted statement for the record:

I would like to thank Chairmen Shays for holding this important hearing on international maritime security. As a member of National Security, Emerging Threats and International Relations Subcommittee and the International Relations Committee, I am extremely interested in security measures that protect our ports.

Within my district is the largest cruise port in the world, the Port of Miami, so issues surrounding the cruise industry are of particular interest to me. The cruise industry is a significant contributor to the economy of South Florida including being the second largest employer in Florida with over 129,000 jobs.

The cruise industry is regulated by several different agencies including federal, state and international laws. In the 107th Congress we enacted the Maritime Transportation Security Act, which is a comprehensive maritime security bill. This bill increased existing security measures at our ports and on vessels calling on the United States.

The cruise industry has worked to ensure that their passengers are safe, and the industry has a sound safety and security record. FBI statistics show that crimes against U.S. passengers on cruise ships are rare. According to the FBI's testimony, a total of 305 crimes have been reported on the high seas in the past five years. Of that amount, 85% or 259 crimes occurred on cruise ships. During that same period, over 40 million passengers traveled on cruise ships. The rate of crime onboard cruise vessels is far less than the National Crime Average or the crime rate in a U.S. city with a comparable sized population.

I look forward to working with this Committee to continue to ensure the safety and well being of passengers on cruise ships is maintained.

JOHN L. MICA
7TH DISTRICT, FLORIDA

Congress of the United States
House of Representatives
Washington, DC 20515-0907

Committee on Government Reform Joint Hearing: "International Maritime Security Hearing"
Subcommittee on National Security, Emerging Threats and International Relations
Subcommittee on Criminal Justice, Drug Policy and Human Resources

Statement for the Hearing Record
From the Honorable John L. Mica of Florida

December 13, 2005

I appreciate that Chairman Shays and Chairman Souder are convening today's hearing. This is an important opportunity for Congress to conduct oversight on international maritime security.

As a member of the Criminal Justice, Drug Policy and Human Resources Subcommittee and as Chairman of the Aviation Subcommittee, I commend their efforts to review security measures for protecting American citizens traveling abroad.

As a Representative from Florida, I have particular interest in securing our ports and in protecting our cruise industry, which serve as important economic engines both to my state and the nation. In 2004 over 4.7 million passengers embarked from Florida and the industry contributed more than \$5.3 billion in direct spending. The cruise industry is the second largest employer in Florida, generating more than 129,000 jobs.

The cruise industry has worked to ensure that their passengers are safe and the industry has a sound safety and security record. Unlike the aviation industry, the cruise industry has assumed most of the security costs to screen and protect their passengers and employees. Unlike aviation, the cruise industry pays to have security officers on board to provide safety and security for the passengers.

FBI statistics show that crimes against U.S. passengers on cruise ships are in fact rare. While incidents have occurred, it is important to put these in perspective. According to the FBI, a total of 305 crimes have been reported on the high seas in the past 5 years. Of that amount, 85% or 259 crimes took place on cruise ships. During that same period, over 40 million passengers traveled on cruise ships. The rate of crime onboard cruise vessels per capita is far less than either the National Crime Average or the crime rate in a U.S. city with a comparable sized population.

The federal government should focus on protecting our ships and ports as a top priority. The cruise industry is highly regulated by the federal and state governments. In 2002, Congress enacted the Maritime Transportation Security Act, a comprehensive maritime security bill. This law requires heightened security measures at U.S. ports and on all vessels calling in the U.S.. In

addition to measures in place at U.S. ports, the FBI has the authority to investigate and prosecute alleged crimes involving Americans in international waters.

One of my concerns is the failure of Congress to support our ports and the cruise industry as they conduct business. A leisure cruise is one of the most popular vacation options because of both its excellent safety record and the high quality of onboard service. Millions of Americans live their dreams by cruising safely and securely through the efforts of this industry.

I look forward to working with these Committees and in Congress to continue ensuring the safety and well-being of passengers on cruise ships.